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# Journal of the House

## Special Session 1977-'78

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HOUSE JOURNAL  
of the  
One Hundred Forty-Fourth General Court  
STATE OF NEW HAMPSHIRE



1977-78 Special Session I  
July 12, 1977  
through  
Oct. 4, 1978

1977 Special Session II  
July 27, 1977

GEORGE B. ROBERTS, JR.  
SPEAKER

JAMES A. CHANDLER  
CLERK





# HOUSE JOURNAL 1

*Tuesday, 12 Jul77*

## CALL OF THE SESSION

WHEREAS the Senate and the House of Representatives have separately recessed prior to the enactment of an operating budget for the government of the State for fiscal years 1978 and 1979; and

WHEREAS the authority of 1977 Laws 179, sanctioning the obligation of State funds in the absence of a budget enactment, expired by the terms of that act at the end of July 1, 1977;

WHEREAS the Senate has passed an operating resolution authorizing the continuation of governmental operations until a budget for fiscal years 1978 and 1979 can be enacted, but the House has not passed such a resolution; and

WHEREAS RSA 9:19 prohibits State officials from "in any way binding the state in excess of the amount voted by the legislature;" and

WHEREAS in the absence of a budget or an operating resolution State officials cannot lawfully continue to provide for the operation of the government; and

WHEREAS the need to continue operations of State departments and institutions, including New Hampshire Hospital, Laconia State School, the Home for the Elderly, the Youth Development Center and the State Prison, requires Legislative action at the earliest possible moment; and

WHEREAS efforts to ensure that both houses of the General Court will soon be in session to address this most serious matter are of doubtful effect;

Now therefore, because we deem that the welfare of the State so requires, by the powers vested in the Governor and Council by Article 50 of Part Two of the Constitution of New Hampshire, we hereby call the General Court into session on Tuesday, July 12, 1977, at ten o'clock in the forenoon for the purpose of acting to enact either a budget act or a continuing resolution with respect to fiscal years 1978 and 1979; and

We Further Resolve that the Secretary of State be, and he hereby is, authorized and directed to communicate this resolution to the President and the Speaker, and to each member of the General Court as soon as it is possible to do so.

The Assistant Clerk read the Call of the Special Session.

## CALL OF THE ROLL

### BELKNAP COUNTY

- Dist. 1 Robert P. Ambrose, r; Marshall French, r; Robert M. Lawton, r;  
Dist. 2 Wilson S. Mansfield, r; Norman C. Marsh, r;  
Dist. 3 Barbara B. Bowler, r; Kenneth A. Randall, r;  
Dist. 4 George B. Roberts, Jr., r & d;  
Jane F. Sanders, r;

- Dist. 5 Charles W. Beard, r; Ralph J. Morin, r; James W. Murray, r;  
Dist. 6 Gary S. Dionne, d; Peter C. Hildreth, d & r; Fritz T. Sabbow, d;

### CARROLL COUNTY

- Dist. 1  
Dist. 2 Howard C. Dickinson, Jr., r;  
M. Susan Found, r & d; Clayton W. Towle, r;  
Dist. 3 Raymond K. Conley, Jr., r;  
Kenneth C. Smith, Sr., r & d;  
Dist. 4 Russell C. Claflin, r;  
Kenneth J. MacDonald, r & d;  
Dist. 5 Roderick Allen, r; George D. Keller, r;

### CHESHIRE COUNTY

- Dist. 1 Robert L. Galloway, r; James B. Hogan, r; Robert W. Moore, Jr., r;  
Dist. 2  
Dist. 3 Elmer L. Johnson, r; Elizabeth R. Ladd, r;  
Dist. 4 Daley E. Whipple, r & d;  
Dist. 5 Augustine J. Marshala, r;  
Margaret A. Ramsay, d & r;  
Dist. 6 William R. Matson, d;  
Dist. 7 Armas W. Fillback, r;  
Dist. 8 Anne B. Gordon, r;  
Stephen H. Krause, r;  
Dist. 9 Irvin H. Gordon, r & d;  
Dist. 10 Peter Parker, Jr., r;  
Dist. 11 Daniel A. Eaton, d;  
Dist. 12 William F. Lynch, d; Zoe Vrakatitsis, r;  
Dist. 13 Francis A. Dostilio, d;  
Patricia T. Russell, d;  
Dist. 14 Nancy J. Proctor, d; Terry L. Wigin, d & r;  
Dist. 15 Thomas H. Chase, r & d; Elmer H. Close, r; Thomas C. Slack, r & d;  
Dist. 16 Andrea A. Scranton, r; Joan E. Terry, d;

### COOS COUNTY

- Dist. 1 Bradley Haynes, r; Harry F. Huggins, r & d; Marguerite H. Wiswell, r;  
Dist. 2 Neila P. Woodward d;  
Dist. 3 Lynn C. Horton r & d; Edward C. Willey, Jr., r;  
Dist. 4 Harold W. Burns, r; Mabel L. Richardson, r;  
Dist. 5 Otto H. Oleson d;  
Dist. 6 Guy J. Fortier, d;  
Dist. 7 Richard A. Patenaude, d; Elmer H. York, d;  
Dist. 8 James B. Cooney, d; George E. Lemire, d & r;  
Dist. 9 Richard L. Poulin, d; Romeo J. Theriault, d;

### GRAFTON COUNTY

- Dist. 1 Ira E. Allen, r; Rita C. McAvoy, r;  
Kathleen W. Ward, r;  
Dist. 2 George H. Cate, r;  
Dist. 3 Anthony Pepitone, r;  
Dist. 4 Fred W. Snell, r & d;  
Dist. 5 Betty Jo Taffe, r & d;  
Dist. 6 Paul I. LaMott, r; Ezra B. Mann, Jr., r & d;  
Dist. 7 Glyneta B. Thomson, r & d;  
Dist. 8 Myrl R. Eaton, r; Carol Stomberg, d; Michael S. Woodard, d;

Dist. 9 Harold V. Buckman, r; Malcolm Taylor, r;  
 Dist. 10  
 Dist. 11 Robert W. Dearborn, r; Neil F. McIver, r & d;  
 Dist. 12 Bruce C. Rounds, r;  
 Dist. 13 Mary P. Chambers, d; Michael R. Cornelius, d;  
 Elizabeth L. Crory, d;  
 Dist. 14 Frederick C. Aldrich, r; Roger M. Duhaime, d; Ralph Degnan Hough, r;  
 James L. Logan, r;

#### HILLSBOROUGH COUNTY

Dist. 1 Leigh D. Bosse, r; Joseph M. Eaton, r; Howard S. Humphrey, Sr., r;  
 Dist. 2 John B. Corser, Jr., r;  
 Dist. 3 John B. Morgan, r; Fred E. Murray, r;  
 Dist. 4  
 Dist. 5 Philip C. Heald, Jr., r; Henry B. Richardson, r;  
 Dist. 6 John P. Arnold, r;  
 Dist. 7 Harold E. Thomson, r;  
 Dist. 8 Alice Tirrell Knight, r; Aime H. Paradis, r; Arnold  
 B. Perkins, r; Robert W. Wheeler, d;  
 Dist. 9 Mark Connolly, r; Marjorie Y. Peters, r; Anna S. Van Loan, r;  
 Dist. 10 Joanne C. Head, r & d; Josephine C. Martin, r & d; M. Arnold Wight, Jr., r;  
 Dist. 11 Roscoe N. Coburn, r; Salvatore P. Grasso, r; Cort Hansen, r; Emma B. Wheeler, r;  
 Dist. 12 Webster E. Bridges, Jr., r; Dorothy F. Colson, r;  
 Dist. 13 Minnie F. Carswell, r; Nancy R. Gagnon, r; Guy R. Granger, Jr., r; Elaine T. Lyons, r; Geraldine G. Watson, r;  
 Dist. 14 George H. Baker, Sr., d; John M. Bednar, d; Gail C. Morrison, r; Andrew J. Polak, d; John P. Quigley, d; Leonard A. Smith, r;  
 Dist. 15 Philip R. Currier, r; Claire Plomaritis, d; Henry J. Seamans, Sr., r;  
 Dist. 16 Lawrence G. McLaughlin, r; Jean R. Wallin, d;  
 Dist. 17 Louis D. Record, Jr., r; Thomas Stylianos, r;  
 Dist. 18 Thomas J. Pappas, d;  
 Dist. 19 Margaret S. Cote, d; Wilfred Pelletier, d; Cecelia L. Winn, d; John T. Winn, d;  
 Dist. 20 Rudolph V. Aubut, d; Henry J. Lachance, d;  
 Dist. 21 L. Penny Dion, d; Gabrielle V. Gagnon, d; Margaret L. McGlynn, d;  
 Dist. 22 Wilfrid A. Boisvert, d & r; Raymond L. Dupont, d; Maurice J. Levesque, d; Roger E. Wallace, d;  
 Dist. 23 Edmund M. Keefe, r; Judith M. St. George, d;  
 Dist. 24 Ernest R. Coutermarsh, d; Francis J. Madigan, d;  
 Dist. 25 Greta M. Ainley, r; Thomas W. Hynes, r; Eleanor P. Podles, r;  
 Dist. 26 Catherine-Ann Day, d; John Mazur, r; Paul J. Riley, r;  
 Dist. 27 Peter J. Coughlin, d; Theodora P. Nardi, d; Christos C. Spirou, d; James J. White, d;  
 Dist. 28 Joseph L. Cote, d; William J. Cullity, d; John L. Welch, d;

Dist. 29 William F. Barrett, d; Daniel J. Healy, d; William J. McDonough, Jr., d; Andre J. Simard, d;  
 Dist. 30 Edward J. Crotty, d; Dorothy J. Drenniak, d; Francis B. Sullivan, d; Gary A. Girolimon, d;  
 Dist. 31 Emile E. Boisvert, d; Emile A. Marcoux, d; Albert A. Martel, d;  
 Dist. 32 George T. Healy, d; Thomas M. LaFleur, d; Dortha M. O'Neil, d; George A. Soucy, d;  
 Dist. 33 John A. Burke, d; Timothy K. O'Connor, d;  
 Dist. 34 Gerard H. Belanger, d; Edward F. Smith, d;  
 Dist. 35 Arline L. Dion, d; Catherine G. Lamy, d; Louis P. LaPlante, d; Armand R. Lemire, d;  
 Dist. 36 Leo R. Bernier, d; Roland R. Boucher, d; James A. Normand, d;

#### MERRIMACK COUNTY

Dist. 1 James L. Foley, r; William F. Kidder, r;  
 Dist. 2 James V. Bibbo, Jr., r;  
 Dist. 3 John P.H. Chandler, Jr., r; Susan W. Pelton, d;  
 Dist. 4 David B. Packard, r; Irene J. Shepard, r;  
 Dist. 5 Richard D. Hanson, r; Bernadette O. McNichol, r;  
 Dist. 6 Laurent J. Boucher, r; Judith Ann Hess, r; Doris J. Riley, d;  
 Dist. 7 Edgar G. Bellerose, d; Mark M. Bodi, d; Ovila Camache, d; Robert E. Plourde, d;  
 Dist. 8 Kenard F. Ayles, r; Kenneth E. Stockman, r;  
 Dist. 9 John O. Cate, r; Edwin L. Waters, r;  
 Dist. 10 Donna T. MacIvor, r; Doris L. Thompson, r;  
 Dist. 11 James A. Humphrey, r;  
 Dist. 12 Arthur H. LaBonte, Sr., d;  
 Dist. 13 Eugene S. Daniell, Jr., d; Katharine J. Ralph, d; Stuart B. Trachy, r;  
 Dist. 14 Milton A. Cate, r;  
 Dist. 15 Polly B. Johnson, r;  
 Dist. 16 Max D. Wiviott, r;  
 Dist. 17 G. Robertson Blakeney, Jr., d; Kenneth M. Tarr, d;  
 Dist. 18 Wayne S. Rich, r;  
 Dist. 19 Maura Carroll, d; Ernest J. Valliere, r;  
 Dist. 20 Nancy M. Pardy, d; Harold L. Rice, d;  
 Dist. 21 Gerald R. Smith, r;

#### ROCKINGHAM COUNTY

Dist. 1 Roger C. King, r; John H. Stimmell, r;  
 Dist. 2 Richardson D. Benton, r & d; Roy W. Davis, r & d; Helen F. Wilson, r & d;  
 Dist. 3 William P. Boucher, r; Robert H. Day, r & d;  
 Dist. 3A Juanita E. Kashulines, r; Patricia M. Skinner, r;  
 Dist. 4 Ernest P. Barka, r & d; Kenneth M. Bisbee, r; Kenneth H. Gould, r; Virginia K. Lovejoy, r; Conrad L. Quimby, r; Robert J. Stratton, r & d

Dist. 5 Marilyn R. Campbell, r; James W. Carpenito, d; Michael A. Collins, d; Beverly A. Gage, r; Elizabeth E. Goff, d; Beatrice M. Laycock, d; Joseph L. Parolise, d; Phyllis J. Pucci, d; Alfreda A. Smith, d;  
 Dist. 6 D. Ronald Cutcliffe, r; Natalie S. Flanagan, r&d; Clarence L. Webster, r;  
 Dist. 7 Charles Everett Cummings, r;  
 Dist. 8 Ralph L. Blake, r; Robert C. Erler, r; John Hoar, Jr., r;  
 Dist. 9 Leonard F. Sanborn, r; Annie Mae Schwaner, r; K. Michael Tavitian, r; Robert A. Vlack, r;  
 Dist. 10 Ralph E. Nelson, r; Myrtle B. Rogers, r;  
 Dist. 11 Anthony T. Randall, r;  
 Dist. 12 Oliver H. Akerman, r; Wilfred R. Cunningham, r; Stephen C. Dunfee, d; Ashton J. Norton, r; Ednapearl F. Parr, r;  
 Dist. 13 Douglas J. Aller, r; Barbara T. Ganley, d; John J. Kane, r; Richard F. Niebling, d;  
 Dist. 14 Patricia J. Blanchette, d; Edward J. Wojnowski, d;  
 Dist. 15 Frederick A. Chapman, r; W. Douglas Scamman, Jr., r; Franklin G. Wolfen, r;  
 Dist. 16 Frank F. Richards, r;  
 Dist. 17 Melissa A. Appel, r; Elizabeth A. Greene, r;  
 Dist. 18 Ralph C. Maynard, d;  
 Dist. 19 Ruth L. Griffin, r; James R. Splaine, d;  
 Dist. 20 Mary E. Cotton, d; Joseph A. MacDonald, d; Joseph A. McEachern, d;  
 Dist. 21 Thomas P. Connors, Sr., d; Michael J. O'Keefe, d;  
 Dist. 22 Elaine S. Krasker, d; Joyce R. Zabarsky, d;  
 Dist. 23 Donna J. McEachern, d;

## STRAFFORD COUNTY

Dist. 1 Victor J. Joos, Sr., d & r;  
 Dist. 2 Ethel M. Canney, r; Walter T. Lefavour, r; Wilfred B. Osgood, r;  
 Dist. 3 Donald H. Smith, r;  
 Dist. 4 Everett B. Sackett, r; Joan M. Schreiber, d;  
 Dist. 5 Grace L. Joncas, d;  
 Dist. 6 Helen Maloomian, d;  
 Dist. 7 Richard D. Morrisette, d;  
 Dist. 8 Shirley J. White, d;  
 Dist. 9 Roland N. Hebert, d;  
 Dist. 10 George A. Nadeau, d;  
 Dist. 11 James E. Appleby, r; Allen P. Wilson, d;  
 Dist. 12 James A. Burchell, d; Charles W. Grassie, Jr., d;  
 Dist. 13 Dennis C. Ramsey, d & r; Alfred J. Ruel, d;  
 Dist. 14 Walter J. Desmarais, d; Paul G. Meader, r;  
 Dist. 15 Howell F. Preston, r; J. Thornton Tripp, r;  
 Dist. 16 Dianne L. Burns Herchek, d & r; James C. Herchek, d & r;  
 Dist. 17 Helene R. Donnelly, d & r; George Maglaras, Jr., d & r;  
 Dist. 18 William K. Kincaid, d; Roderick H. O'Connor, d & r;  
 Dist. 19 Janet B. Torrey, r;  
 Dist. 20 Leo E. Lessard, d & r; Iris Valley, r;

Dist. 21 Roland E. Belhumeur, d; Bruce R. French, d;

## SULLIVAN COUNTY

Dist. 1 Sara M. Townsend, r & d  
 Dist. 2 George A. Barrus, r;  
 Dist. 3 Sim R. Gray, d; Donald H. LeBrun, d;  
 Dist. 4 Alton G. Desnoyer, d; Roma A. Spaulding, r; John B. Tucker, r;  
 Dist. 5 Robert J. Brodeur, d; Carmine F. D'Amante, d;  
 Dist. 6 Alexander P. Lewko, r; Jay S. Lucas, r; Jesse W. Scott, r;  
 Dist. 7  
 Dist. 8 George I. Wiggins, r;  
 Dist. 9 Mildred S. Ingram, r;

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Good Morning Lord. Well, I think it's a good morning. I know one thing, we are not always happy with Your words for us. It seems You are too plain spoken at times. Sorry about that Lord. Can't You just be satisfied with a little sweet talk about the weather and summer and stuff? No! You have to jar us awake with such words as: "If my people will humble themselves and pray, and search for Me, and turn from their wicked ways, I will hear them and forgive their sins and heal their land." (II Chronicles 7:14). O God, we do desire the "healing of our land"! Help us to be truly humble, daring to look deep into ourselves, checking out our lifestyle in the light of the lifestyle of Your Son, Jesus Christ, committing the whole person to the healing of our land. Let it begin with the important word at hand. Right Now! You and us together, Lord. Amen!

Rep. McNichol led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Frizzell, Gaskill, Forsaith Daniels, Hunt, Burrows, Nemzoff-Berman, Palmer, Kerry O'Connor and Clyde Eaton, the day, illness.

Reps. Gemmill, Voll, Donald Howard, Alter, Rossley, Aeschliman, Stahl, Mullin, Hartford, Grieco, Michael Hanson, and Brody, the day, important business.

Rep. Felch, the day, death in family.

## INTRODUCTION OF GUESTS

Harry V. Spanos, guest of Rep. Spirou; Mrs. Connie Rakoske, Hillary and Allison Rakoske, guests of Reps. Spirou and Maglaras; Hon. Bob Larkin, member of the Massachusetts House and member of the Commerce and Labor Committee.

Rep. Marshall French moved that the rules of the 1977 Special Session be the same as the rules of the 1975-76 Special Session except that the titles and the duties of the committees be the same as those adopted in the 1977 Regular Session.

Rep. Roderick Allen offered an amendment, to allow the introduction of any Continuing Resolution by a majority vote and subsequently withdrew his amendment.

Adopted.



## RULES FOR THE 1977-78 SPECIAL SESSION

## THE DUTY OF THE SPEAKER

1. The Speaker shall take the chair at precisely the hour to which the House shall have adjourned, and shall immediately call the members to order and the members shall take their seats. They shall activate their voting station as soon as they take their seats; when they leave their seats for any reason they shall deactivate their station.

2. He shall preserve decorum and order, may speak on points of order in preference to other members, rising for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, which appeal shall be decided by a majority vote of the members present and voting.

3. There shall be three forms of putting the question to wit: "As many as are of the opinion (as the case may be) say aye"; and after the affirmative vote is expressed, "Those of a contrary opinion say no." If the Speaker doubts the voice vote or a division is called for, each member shall, at his voting station, press the yes or no button when the speaker calls for the vote. When the speaker closes the vote he shall rise and state the decision of the House. When a division has been requested or when a roll call vote has been moved and sufficiently seconded by five members, the speaker shall put the question and open the voting for not more than thirty seconds. Each member at his voting station, shall press the yes or no button unless excused by the House for a special reason.

A member who is to be absent when a question is put may pair his vote with another member also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if a roll call is taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and shall enter them on the Journal.

4. All committees shall be appointed by the Speaker unless otherwise directed by the House, provided the membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the membership of the House belonging to the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party floor leader. Notwithstanding the provisions of this rule, the Speaker and the minority party floor leader may agree upon a different proportion for the membership of any particular committee.

5. The Speaker, unless otherwise ordered by the House, shall refer to the appropriate committees all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House, and upon recommendation of the Committee on Rules may refer the same jointly to two committees or to a special committee.

6. The Speaker shall not be called upon to vote unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost.

7. All bills, resolutions and addresses, after passage, shall be signed by the Speaker and all warrants, subpoenas and other processes issued by order of the House shall be under his hand and seal attested by the Clerk.

8. In case of any disturbance or disorderly conduct in the galleries, the Speaker or chairman of the committee of the whole house shall have the power to order the same to be cleared.

9. No person but the members and officers of the House, the Governor, members of the Council and members of the Senate, the Secretary of State, Treasurer, and Clerks of the Senate shall be admitted within the door of the Representatives' chamber while the House is in session except on invitation of a member who shall obtain guest cards from the Speaker, the Clerk, or the Assistant Clerk, except in public hearings, parties, their counsel and witnesses under the direction of the Speaker. No lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House at any time; nor while the House is in session, shall any such person be permitted to be in the House Sergeant-at-Arms area.

10. The Speaker shall have power to substitute any member to perform the duties of the Chair, if the Speaker is absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

## OF DECORUM AND DEBATE

11. When any member is about to speak in debate, make a motion, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, declaring as he does the purpose for which he rises to speak.

12. If any member transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, and the question of order shall then be distinctly stated from the chair, and the House if appealed to, shall decide the case by a majority vote of the members present and voting, but if there is no immediate appeal, the decision of the Speaker shall be conclusive.

13. In all cases the member first rising shall speak first. When two members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak they may file their names

with the Clerk, who will supply the list to the Speaker who shall name the order in which they shall speak.

14. No member shall speak more than twice on the same question without leave of the House; nor more than once until every member choosing to speak shall have spoken.

15. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House and while a member is speaking, no one shall pass between him and the chair nor entertain private discourse, nor shall any member leave his seat while voting machine is in use.

No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in his possession any firearm while he is in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action and arrest or both by action of the House.

Nothing in this Rule shall indicate that the Security officer appointed by the House under Rule 56 has the right to stop and search a member of the House on the premises of the House.

16. No member shall vote on any question in which he is directly interested; nor in any case where he was not present when the question was put; nor sit upon any committee when he is directly interested in the question under consideration. If a member takes this rule, for purposes of voting, he shall so inform the Clerk, who shall so inform the House. In case of such interest of a member of a committee, the fact shall be reported to the House, and another person may be substituted on that question in his place.

17. (Refer to new House Rule No. 3)

18. Before any petition shall be received and read, the substance of the same in concise form, the name of the member or person presenting it and his district shall be recorded thereon; and the Speaker shall state the substance of the petition.

19. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

20. When any question is under debate, no motion shall be received, but, first, to adjourn; second, to lay upon the table; third, for the previous question; fourth to postpone to a certain day; fifth, to commit; sixth, to amend; seventh to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

(a) In all cases not provided for by the Constitution, the rules of the House or the Joint Rules, "Mason's Manual of Legislative Procedure" shall be referred to as the primary guide.

21. The Speaker shall put the previous question in the following form; "Shall the main question now be put?" and all debate upon the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken upon pending amendments, in their regular order, and then upon the main question. The motion for the previous question shall not be put unless demanded by three members.

22. All incidental questions of order arising after a motion for the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

23. If the previous question is decided in the negative, it shall not be again in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

24. When a question is postponed indefinitely the same shall not be acted upon during the same session except whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof.

25. Any member may call for a division of the question when the sense will admit it; and upon a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.

26. A motion for commitment, until it is decided, shall preclude all amendments to the main question; and all motions and reports may be committed at the pleasure of the House.

27. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

28. (a) No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and while the bill or resolution is in the possession of the House.

(b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment on the same day on which the vote was passed and any such notice of reconsideration shall be effective only on the same day on which the vote was passed and thereafter shall be null and void.

(c) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

29. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

30. Each member shall seasonably and punctually attend to his duty in the House or Committee, and no one shall absent himself from the service of the House or Committee unless he have leave, or be sick and unable to attend.

31. The Speaker shall appoint a teller for each division of the House, whose duty it shall be to report to the Chair the state of the vote, whenever a division of the House is called for.

#### OF COMMITTEES AND THEIR DUTIES

32. The following standing policy committees to consist of not more than twenty-three members each, shall be appointed at the commencement of any session: Committees on Appropriations; Claims, Military and Veterans Affairs; Commerce and Consumer Affairs; Constitutional Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game; Health and Welfare; Interstate Cooperation; Judiciary; Labor, Human Resources and Rehabilitation; Legislative Administration, to include subcommittees on Journal, Elections, Mileage, and House Resolutions and Screening; Municipal and County Government; Public Works; Regulated Revenues; Resources, Recreation and Development; Science and Technology; State Institutions; Statutory Revision; Transportation; and Ways and Means.

A Committee on Rules shall be appointed at the commencement of any session, one of whose members shall be the Speaker.

(a) It shall be the duty of the Committee on Appropriations to examine and take into consideration the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money (except claims against the state), and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

The Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

(b) It shall be the duty of the Committee on Claims, Military and Veterans Affairs to consider and report on all claims against the state, whether chargeable against special funds or the general fund, and to inform the Committee on Appropriations immediately of any claims approved by the House and to consider all matters pertaining to the National Guard, other military or veterans organizations existing within the state, and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Commerce and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions, insurance companies and contracts of insurance of any character, all matters relating to consumer affairs which may be referred to it, all matters relating to the economic conditions of commerce and industry as shall be referred to it, and such other matters as may be referred to it.

(d) It shall be the duty of the Committee on Constitutional Revision to consider all matters concerning the Constitution including proposed

Constitutional Amendments and any proposals for revision of the Constitution, and all matters of general law and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Education to consider all subjects relative to the regulation of school districts and schools, Keene State College, Plymouth State College, and the University of New Hampshire, all matters concerning education, and such other matters as may be referred to it.

(f) It shall be the duty of the committee on Environment and Agriculture to take into consideration all matters concerning agricultural and farm problems of the state, physical land use, the various agricultural organizations, the protection of the state's environment from air pollution, and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein, matters of policy pertaining to the executive departments, and such other matters as may be referred to it.

(h) It shall be the duty of the Committee on Fish and Game to consider all matters concerning conservation, improvement and preservation of fish and game within the state, and such other matters as may be referred to it.

(i) It shall be the duty of the Committee on Health and Welfare to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on Interstate Cooperation to consider all interstate compacts, the impact of legislation affecting the New England region; the relationship between the state and the federal government; to encourage communication between the legislature and the New Hampshire congressional delegation; to promote understanding and cooperation between this state and other states of the union, and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Judiciary to take into consideration all matters in relation to the judiciary system of the state, matters involving major changes in public policy and such other matters as may be referred to it.

(l) It shall be the duty of the Committee on Labor, Human Resources and Rehabilitation to consider all matters relating to labor, wages, labor organizations, the utilization of human resources, the rehabilitation of human resources, and such other matters as may be referred to it.

(m) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including, without limitation, mileage, elections, the journal, house resolutions and screening and any such



other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report upon the credentials of the election of the members returned to serve in the House and to take into consideration all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

(2) It shall be the duty of the Subcommittee on the Journal from day to day and before the commencement of the early session to examine the Journal of the preceding day and report to the House at once any errors; provided, however, that the Journal of the preceding day shall be read at the opening of the early session whenever requested by any ten members.

(3) It shall be the duty of the subcommittee on Mileage and Roll Call to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each; and to make recommendations as to the use of the voting machine.

(4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House resolutions and proposed non-legislative activities for the purpose of determining whether or not same are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities shall be brought before the House unless they are approved by the Subcommittee. Any such resolutions or activities brought before the House with the approval of the Subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat pocket insertions and journal announcements. The Subcommittee shall also examine all proposed legislation filed with Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.

(n) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to the boundaries of town, city and county lines, the creation of new towns, cities and counties, the salaries of town, city and county officers, changes in municipal and county government and such other matters as may be referred to it.

(o) It shall be the duty of the Committee on Public Works to consider all matters pertaining to public highways, buildings and capital construction, all matters pertaining to the protection, improvement and preservation of the coast line, the care of state memorials and monuments, and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Regulated Revenues to consider all matters relating to the state Liquor Commission and the liquor laws of the state; the state Sweepstakes Commission and the sweepstakes laws of the state; the state Racing Commission and the horse racing laws of the state; the state Greyhound Racing Commission and the dog racing laws of the state; and such other matters as may be referred to it.

All bills and resolutions affecting state revenues or fees shall, if favorably reported from the Regulated Revenues Committee, be referred to the Committee on Ways and Means for a report on the effect of passage of such bill or resolution on the revenues of the state.

(q) It shall be the duty of the committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control, parks and recreational areas, recreational industries, matters concerning state controls on property development and such other matters as may be referred to it.

(r) It shall be the duty of the Committee on Rules to consider all matters pertaining to the rules of procedure of the House, to operate the House calendar and to assist the Speaker in expediting the business of the session and to recommend rules of proper debate.

(s) It shall be the duty of the Committee on Science and Technology to consider all matters pertaining to the application of technological advances to the legislative process and the operation of state government; to coordinate the flow of information about technical and scientific matters among state and federal agencies and legislative committees; to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted; and such other matters as may be referred to it.

(t) It shall be the duty of the Committee on State Institutions to consider all matters concerning the administration of the N.H. Hospital, N.H. State Prison, N.H. Youth Development Center, N.H. Home for the Elderly, and Laconia State School and Training Center; the operation of the Soldiers' Home and State Library; and such other matters as may be referred to it.

(u) It shall be the duty of the Committee on Statutory Revision to consider all matters concerning the repeal or recodification of existing statutes and other matters relating to the statutes of the state, and such other matters as may be referred to it.

(v) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of transportation in air or on land or water, and such other matters as may be referred to it.

(w) It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising

money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state. They shall report monthly to the House the estimated revenues of the state beginning January 31. They may consider and report periodically to the House upon such other subjects concerning the financial interests of the state as may be appropriate; and such other matters as may be referred to it.

33. The standing committees, or any special committee, shall meet during the sessions at the respective committee rooms at such times as the committee may determine unless the House shall otherwise order; and no committee shall sit during the sitting of the House unless the Speaker shall consider it necessary. The committees shall promptly consider and report on all matters referred to them. The Speaker may authorize any committee having a heavy load of work to meet or hold public hearings on non-legislative days.

34. The first named member of any committee appointed by the Speaker shall be chairman; and in case of his absence or being excused by the House the next named member, and so on, as often as the case may happen, unless otherwise ordered by the Speaker.

35. When any committee shall report otherwise than by bill, they shall, if the subject permit, submit with their report resolutions calling for such action as the committee shall recommend.

36. Whenever it shall not be convenient for any standing committee to attend properly to all the business which may be properly referred to it, the Speaker may, on a vote of the House to that effect, appoint an additional committee on the same subject, to consist of the same number of members as the original committee, whose duty it shall be to take into consideration all matters in relation to that subject which shall be referred to it by the House, and to report thereon.

#### OF BILLS

37. All petitions, memorials and other papers addressed to the House and all bills, resolutions and bills of intent, shall be endorsed with the name and the district of the person presenting them and with the subject matter of the same. Every bill shall be marked on the first page "House Bill" and numbered serially; every bill of intent shall be marked "House Bill of Intent" and numbered serially; every joint resolution shall be marked "House Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "House Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the House.

38. All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the

House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. Legislative Services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature.

39. All joint resolutions shall be treated in the same manner as bills.

40. Every bill and joint resolution shall have three several readings in the House previous to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

41. No amendment shall be made but upon the second reading of a bill; and all amendments to bills shall be in writing, with the name of the member and the district he represents thereon.

(a) No amendment that is not germane to the subject matter of the bill or resolution or joint resolution or concurrent resolution shall be added to any bill or resolution or joint resolution or concurrent resolution.

42. After every bill shall have been read a second time, and referred by the Speaker to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the Senate shall be printed at the same stage of their procedure unless they have been printed in the Senate and copies distributed in the House, in which case any amendment made by the Senate shall be duplicated and distributed in the House.

43. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least two days in the Calendar of the House. When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House Committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is subsequently received in the House from the Senate.

44. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment and then recite the section of the bill in full as amended. The amendment, shall be printed in the calendar of the House on the date that



the report of the committee is listed for action, and at least once previously. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal or proceedings for the day on which they were reported.

45. All bills and joint resolutions appropriating state money which have been favorably reported from any committee, except those from the Committee on Claims, Military and Veterans Affairs which appropriate for a claim against the state shall be referred to the Committee on Appropriations. If any such bills or resolutions have been referred jointly to the Committee on Appropriations and another standing committee, the Committee on Appropriations may report separately and no further hearings shall be required by the Committee on Appropriations.

46. No request by a member of the House for drafting a bill or resolution shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been approved by the House Rules Committee.

47. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. The above rule shall not apply to House Rule 24.

48. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present vote therefor.

#### OF THE COMMITTEE OF THE WHOLE HOUSE

49. The House may resolve itself into a committee of the whole House at any time on the motion of a member made for that purpose; and in forming a committee of the whole House the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

50. Upon bills and resolutions committed to a committee of the whole House, the bill or resolution shall first be read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be last considered; the body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the House. After report, the bill or resolution shall again be subject to be debated and amended by clauses before a question to pass it to a third reading be taken.

51. The rules of proceeding in the House shall be observed in committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.

#### ORDER OF BUSINESS OF THE DAY

52. The Speaker shall call for petitions from members of the House. The petitions having been presented and disposed of, reports first from the standing and then

from the select committees shall be called for and disposed of. And the above business shall be done in no other part of the day, except by permission of the House.

53. The unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except the general order of the day, shall be received without special leave of the House, until the former is disposed of.

54. Omitted

#### PERSONNEL OF THE HOUSE

55. The elective and appointive non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define the duties not fixed by statute or otherwise ordered by the House.

56. No officer or employee of the House during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without first securing the approval in writing of the Appropriations Committee or such member or subcommittee of the same as said committee may designate for the purpose. The Speaker may appoint a Chief Security Officer who shall be a person trained and experienced in security matters or law enforcement work. His duties shall be, under the supervision and direction of the Speaker, to prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof. No employee or attaché of the House Sergeant-at-Arms shall directly or indirectly, interest or concern himself with the passage or consideration of any measure whatsoever. If any such employee or attaché so interests, or concerns himself with any measure it shall be grounds for summary dismissal.

#### EXPEDITING BUSINESS

57. All House bills referred to committees shall be put on the calendar for action no later than the sixth legislative day or any other day set by joint rules for the transfer of bills from the first to the second house.

58. Omitted

59. Omitted

60. The Speaker may designate any legislative day as a consent calendar day by giving printed notice in the journal for the two legislative days immediately preceding said day. No matter shall be acted upon on any such day except those placed on the calendar for such a day and printed in the calendar of the House for the two days immediately preceding such a day. All matters remaining on the consent calendar shall be acted upon without debate. Any member may request, on a consent calendar day, at any point in the action on any such matter that it be passed over. No further action shall be taken on said matter on that day and any action or votes taken prior to

said request shall be thereby automatically rescinded. It shall be placed on the calendar for the next legislative day and shall be before the House for action on said legislative day.

61. If more than one House member requests that legislation of an involved and voluminous nature be drafted on the same subject matter, but with some variations so that the main body of each bill even though drafted separately would be practically duplicates, the Office of Legislative Services shall advise the Subcommittee on House Resolutions and Screening of such a situation. The subcommittee, after consultation with the requesting members, shall endeavor to have them co-sponsor one bill but if this cannot be achieved it may find that it is in the best interest of the House for the sake of expediency and clarity of understanding to provide for expository bills. If the subcommittee so finds, it shall direct the Office of Legislative Services to draft a model bill providing for a statute which achieves the prime purpose requested by all such members but which shall not include all the variations which any one of them has specified. Said bill shall be introduced into the House by the Subcommittee on House Resolutions and Screening as a model bill. The subcommittee shall then also direct the Office of Legislative Services to draft a bill for each of the requesting members, or for any member who at a later date requests a similar bill, in expository form only, that is to say, such bills shall not be drafted in legal or statutory form but shall explain in ordinary language and form what each such bill proposes and in such expository form they shall be introduced into the House; provided however that any member may insist on having his legislative request drafted in legal form even though the bill is also drafted in expository form. Such a model bill and all the expository bills on the same subject matter shall be referred to the same committee.

The Office of Legislative Services, unless otherwise directed by the sponsor, shall prepare a list of titles and sponsors of suggested legislation, which shall be posted prior to and during the session.

#### RECESS

The Rules Committee having approved its admittance, Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Joint Resolution No. 1 shall be by this resolution read a first and second time by the therein listed title, and laid on the table for printing.

Adopted.

#### INTRODUCTION OF BILLS

First and Second reading

HJR 1, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

#### SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules of the House be so far suspended as to permit HJR 1 to be considered at the present time without referral to committee, notice and public hearing, without two days' notice in the Calendar

Adopted by the necessary two-thirds.

Reps. Marshall French and Spirou moved that HJR 1 be order to third reading.

Adopted.

#### SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules of the House be so far suspended as to permit HJR 1 to be read a third time and passed at the present time.

Rep. Lawton spoke against the motion.

Reps. Marshall French and Spirou spoke in favor of the motion.

Motion lost.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Reps. Elmer Johnson, Marsh, Kenneth Smith, Dearborn, Bridges, Stylianos, Scamman and Sanders spoke against the motion.

Reps. Marshall French, Coutermarsh, Plourde, Cecelia Winn, Lyons, Sara Townsend, James J. White and Tucker spoke in favor of the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

Rep. Cunningham requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 167 NAYS 165

YEAS 167

BELKNAP: Ambrose, Beard, Gary Dionne, Marshall French and Hildreth.

CARROLL: Claflin and Found.

CHESHIRE: Chase, Close, Daniel Eaton, Anne Gordon, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Cooney, Fortier, Bradley Haynes, Oleson, Patenaude, Poulin, Wiswell and Neila Woodward.

GRAFTON: Chambers, Cornelius, Crory, Hough, LaMott, Mann, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Aubut, Barrett, Bernier, Wilfrid Boisvert, Colson, Corser, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, Dupont, Joseph Eaton, Girolimon, Keefe, LaFleur, Lyons, Martel,

Martin, McGlynn, Morgan, Morrison, Fred Murray, Nardi, Normand, O'Neil, Pappas, Peters, Plomaritis, Quigley, Record, Simard, Edward Smith, Leonard Smith, Spirou, St. George, Van Loan, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Foley, Camache, Richard Hanson, Hess, Kidder, LaBonte, Donna Macivor, McNichol, Pardy, Pelton, Plourde, Ralph, Rice, Rich, Gerald Smith, Tarr, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Appel, Benton, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Dunfey, Ganley, Greene, Griffin, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, O'Keefe, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kincaid, Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Spaulding, Sara Townsend and Tucker.

#### NAYS 165

BELKNAP: Lawton, Mansfield, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson and Moore.

COOS: Burns, Horton, Huggins, George Lemire, Mabel Richardson, Theriault, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Myrl Eaton, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell and Glyneta Thomson.

HILLSBOROUGH: Ainley, Arnold, Baker, Bednar, Belanger, Emile Boisvert, Bosse, Bridges, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Coughlin, Currier, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Knight, Lachance, Lamy, LaPlante, Armand Lemire, Levesque, Madigan, Marcoux, Mazur, McDonough, McLaughlin, Timothy O'Connor, Pelletier, Arnold Perkins, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Soucy, Stylianos, Harold Thomson, Wallace, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, James Humphrey, Polly Johnson, Doris Riley, Shepard, Stockman, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Barka, Bisbee, Blake, William Boucher, Campbell, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Goff, Gould, Hoar, Kashulines, King, Lovejoy, Nelson, Niebling, Norton, Parolise, Anthony Randall, Scamman, Schwaner, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott and George Wiggins, and the motion was adopted.

#### LATE SESSION

Third reading and final passage

HJR 1, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Reps. Marshall French and Spirou moved that the House stand in recess from the special session to reconvene only for the purpose of enrolling HJR 1 and then to adjourn until Tuesday, July 19 at 1:00 p.m.

Reps. Scamman, Goff, George Wiggins and Eugene Daniell spoke against the motion.

Reps. Marshall French and Coutermarsh spoke in favor of the motion.

Rep. Marshall French withdrew his motion.

Rep. Kenneth Smith moved that the House go into recess until 4:15 to await Senate action on HJR 1.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 233 Nays 99

YEAS 233

BELKNAP: Ambrose, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Marshala, Matson, Moore, Scranton, Terry, Vrakatisis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, George Lemire, Patenaude, Poulin, Mabel Richardson, Theriault, Willey, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Crory, Dearborn, Duhaime, Myrl Eaton, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson and Ward.



HILLSBOROUGH: Ainley, Arnold, Baker, Barrett, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bosse, Bridges, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Currier, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Knight, Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Marcoux, Mazur, McDonough, McLaughlin, Morgan, Morrison, Fred Murray, Timothy O'Connor, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Soucy, St. George, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, John Cate, Milton Cate, Chandler, Eugene Daniell, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Packard, Pelton, Plourde, Rice, Rich, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, William Boucher, Campbell, Cummings, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Goff, Gould, Greene, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Maynard, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Anthony Randall, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Hebert Jonas, Lefavour, Lessard, Maloomian, Meader, Nadeau, Preston, Sackett, Schreiber, Donald Smith, Torrey, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, D'Amante, Gray, Ingram, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 99

BELKNAP: Beard, Gary Dionne, Marshall French, Hildreth and Kenneth Randall.

CARROLL: None.

CHESHIRE: Chase, Close, Elmer Johnson, Lynch, Parker, Proctor, Margaret Ramsay, Russell and Slack.

COOS: Oleson and Wiswell.

GRAFTON: Chambers, Cornelius, Hough, LaMott, Stomberg and Michael Woodard.

HILLSBOROUGH: Aubut, Emile Boisvert, Colson, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Dupont, Girolimon, George Healy, Keefe, Lachance, LaFleur, Madigan, Martel, Martin, McGlynn, Nardi, Normand, O'Neil, Pappas, Pelletier, Quigley, Simard, Edward Smith, Leonard Smith, Spirou, Wallin, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bodi, Carroll, Foley, Gamache, Hess, McNichol, Pardy, Ralph, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Appel, Benton, Blanchette, Carpenito, Collins, Connors, Cotton, Cunningham, Dunfee, Canley, Griffin, Kraker, Joseph MacDonald, Donna McEachern, Parr, Pucci, Quimby, Richards, Webster, Wojnowski and Zabarsky.

STRAFFORD: Charles Grassie, Dianne Herchek, James Herchek, Joos, Kincaid, Morrisette, Osgood, Dennis Ramsey, Ruel, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer and LeBrun, and the motion was adopted.

# RECESS

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

HJR 1, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. (Amendment printed SJ July 12)

Rep. Tucker moved that the House concur and spoke to his motion.

Rep. Spirou spoke against the motion.

Reps. Lawton, Bridges and Plourde spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 249 NAYS 69

YEAS 249

BELKNAP: Ambrose, Lawton, Mansfield, Marsh, Morin, James Murray, Kenneth Randall, Sabbo and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Pound, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Moore, Scranton, Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, George Lemire, Mabel Richardson, Theriault, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Crory, Dearborn, Duhaime, Myrl Eaton, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor and Glyneta Thomson.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Wilfrid Boisvert, Bosse, Bridges, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Keefe, Knight,

Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Mazur, McDonough, McLaughlin, Morgan, Morrison, Fred Murray, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Wallace, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayres, Bellerose, Bibbo, Bodi, John Cate, Milton Cate, Chandler, Eugene Daniell, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Packard, Pelton, Plourde, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott

ROCKINGHAM: Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cunningham, Davis, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Goff, Gould, Griffin, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfen.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

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BELKNAP: Beard, Gary Dionne, Marshall French and Hildreth.

CARROLL: None.

CHESHIRE: Matson, Parker, Proctor, Margaret Ramsay, Russell, Slack, Terry and Vrakatitsis.

COOS: Bradley Haynes, Oleson, Patenaude and Poulin.

CRAFTON: Chambers, Cornelius, Hough, Stomberg and Michael Woodard.

HILLSBOROUGH: Bernier, Corser, Catherine-Ann Day, Dupont, Girolimon, Martin, McGlynn, Nardi, O'Neil, Pappas, Quigley, Edward Smith, Leonard Smith, Spirou, St. George, Robert Wheeler and James J. White.

MERRIMACK: Blakeney, Carroll, Foley, Donna MacIvor, McNichol, Pardy, Rice and Trachy.

ROCKINGHAM: Blanchette, Carpenito, Collins, Connors, Cotton, Ganley, Greene, Krasker, Laycock, Donna McEachern, Alfreda Smith, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Charles Grassie, Dianne Herchek, James Herchek, Kincaid, Lessard, Morrisette, Schreiber, Shirley White and Allen Wilson.

SULLIVAN: None and the motion was adopted. Rep. Emile Boisvert wished to be recorded in favor of the motion to concur.

Reps. French and Spirou moved that the House stand in recess to reconvene only for the purpose of enrolling HJR 1 and to meet Tuesday, July 19 at 11:00 a.m.. Adopted.

#### RECESS

(Rep. Marshall French in the chair)

#### ENROLLED BILL REPORT

HJR 1, making temporary appropriations for the expenses and encumbrances of the state of New Hampshire.

Rep. James J. White  
For the Committee.

The House adjourned at 5:45 p.m.

# HOUSE JOURNAL 2

*Tuesday, 19 Jul77*

The House met at 11:00 a.m.

Prayer was offered by guest Chaplain Reverend Frederick J. Pennett Jr., associate pastor, St. John the Evangelist Church, Concord.

Father and Creator of all, as we bow our heads prayerfully before you this morning, we ask your blessings upon this Legislative Assembly. Guide its members with Your Spirit of Truth, keep them constantly aware of mankind's need to live in liberty and justice as they deliberate the laws and well being of our State of New Hampshire and its people. Keep them open, Father, to the need for change, when change is good and give them strength to remain steadfast when the principles of our forefathers, upon which this great nation was established, are challenged. We ask that they be taught compassion, so that the needy of our state will find in them, our duly elected representatives, an ability to love, to care, to act, and to insure the dignity of each individual, regardless of age, race, creed, or economic circumstance. Above all, Great God, we ask that these men and women be wisely open to the thoughts and needs of all throughout their terms of office and that they be blessed with health and happiness as they generously serve the State of New Hampshire. We ask this of You who live and reign with the Son and the Spirit, God, forever. Amen.

Rep. Lovejoy led the Pledge of Allegiance

## LEAVES OF ABSENCE

Reps. Akerman, Anthony Randall, Roland Boucher, Burrows, Hunt, Forsaith Daniels, Gaskill, Bridges and Osgood, the day, illness.

Reps. Kaklamanos, Miller, Aeschliman, Rossley, Alter, Donald Howard, Gemmill, Watson, Cutcliffe, Levesque, Taylor and Valley, the day, important business.

Rep. Corser, the day, illness in the family.

Reps. Cotton and Tavitian, the day, death in the family.

## INTRODUCTION OF GUESTS

Rachel and Norman Morrison, children of Rep. Morrison and their friend, Peter Baird; Rebecca Abigail Berman, daughter of Rep. Nemzoff-Berman.

## RECESS

## COMMUNICATIONS RESIGNATION

Secretary of State  
State of New Hampshire

Mr. Secretary:

I am no longer a resident of Ward 8,

District 21, Merrimack County, New Hampshire, the area I was elected to represent in the Legislature for the years 1977-1978.

Please accept this letter as my resignation effective today, July 18, 1977.

Thank you.

Rep. Charles E. Pratt

## INTRODUCTION OF SENATE RESOLUTION

First, second reading and referral  
SJR 1, making temporary appropriations for the expenses and encumbrances of the state and providing pay increases for certain state and university system employees. (Appropriations)

## SUSPENSION OF RULES

Rep. Marshall French moved that the rules be so far suspended as to permit SJR 1 to be considered at the present time without printing, referral to committee, public hearing and notice of committee report in the Calendar.

The Chair recognized Rep. Lawton.

Rep. Lawton: Mr. Speaker I rise in favor of the motion and hope that the House will go along and accept this resolution. This is one of those rare instances in this session where the leadership of the House, the leadership of the Senate and the Governor's office have gotten together and through negotiation have come up with what I think is a good continuing resolution acceptable by all sides. This continues state government until October 20th and by the comments I've heard in the House today I hope we don't get together again until October 20th for vetoes or anything else. I think that is soon enough. I would point out that there is one typographical error in the resolution. One of the points of compromise in this was that under the original proposal the Governor and Council would be able to provide for emergencies and transfers and this resolution includes the Fiscal Committee so that the legislature has some input. I think this is a good idea; but in the writing up of this one page 2, a period got in there where a comma should have been and it doesn't read just right. I'm sure that will be taken care of in the enrolled bills committee so there won't be any problem. I certainly hope that all the members will unanimously support this resolution and let the state government continue until October 20th and hopefully at that time we will be able to get together on a state budget that we can vote on.

The Chair recognized Rep. Tucker to speak.

Rep. Tucker: Mr. Speaker, I rise in support of the pending resolution. I do so reluctantly. The reason that I support the resolution is that there needs to be some vehicle by which state government can continue to operate. The proper course of action would be to adopt a budget. But the failure of the Senate to adopt a budget leaves no alternative but to have a continuing resolution. The conferees on the part of the House would much have preferred to bring before you for your consideration

today the third committee of conference report on the budget. Unfortunately, that did not transpire because of action by the Senate. The House position on this resolution should be made clear and I would like at this time to state for the record that the House position is reflected in the fact that the Fiscal Committee has been inserted. The Senate resolution originally was not going to incorporate the Fiscal Committee, it now does. It is important that the Legislature retain an element of control over what is happening until a budget is adopted. In that regard, Mr. Speaker, I would ask that the legislative intent be clear on the part of the members of the Fiscal Committee. I have talked to all members who represent the House on the Fiscal Committee and it is the unanimous, the unanimous, feeling that we will not agree, we will not agree, to the enactment of a new budget for the biennium on a piecemeal basis by trying to exert pressure on the Fiscal Committee to enact certain elements of the new budget under the guise of it being an emergency appropriation. That is true for whatever the reason, no matter how noble the cause, because there is a grave danger, Mr. Speaker, that this budget for the coming biennium may indeed be enacted one step at a time under some provision that it is an emergency. Each member of the Fiscal Committee representing this House has agreed that we will not be a party to any such procedure. The purpose of a continuing resolution is to continue 1977 spending levels with a single exception, a seven percent raise for those who are paid by the state of New Hampshire. In the event that an emergency does occur, an exception can be made for that purpose. I can assure you, ladies and gentlemen, that the members of the Fiscal Committee will be under great pressure to start this new program as provided for in the budget, and to implement this provision that was in the budget that never got enacted into law. Until the budget is enacted into law, we will not approve its implementation unless it is indeed a case of an emergency. The way to provide for those programs is to enact a budget and that's what we'll have to do. We will not do it through this back door approach. But a continuing resolution at this time is necessary in order that the state employees not be penalized, not be denied a pay raise that is rightfully theirs and so that essential state services can continue. With that in mind, Mr. Speaker, and with that clearly in the record as the legislative intent, at least insofar as it relates to the members of the Fiscal Committee (who are given an important part to play by this resolution), I rise in support of the resolution because of the failure of the Senate to act upon the committee of conference report.

(Rep. Marshall French in the chair)

Speaker: Will the member answer questions? Rep. Close you may inquire.

Rep. Close: Rep. Tucker, what effect will this resolution have on the reimbursement to cities and towns of various taxes such as the business profits tax, interest and dividends tax and the rooms and meals tax?

Rep. Tucker: There will be no increase in the reimbursement to cities and towns over whatever they are getting at the present time. Whatever is provided for in the 1977 budget will be the continuing rate of reimbursement. There will be no increase.

Speaker: Will the member answer another question? Rep. Nardi has a question.

Rep. Nardi: Mr. Speaker, Mr. Tucker - Could you please tell me, under the resolution that we are adopting (which seems to be the only place we have to go) what happens to places like the mental health centers and our developmental disability centers, which say that they face serious problems unless they get so much more money. One place, for example, the school for the retarded in Manchester, would have to let go 200 children. What about our mental health centers? If they do not get increased funding, they will have to let go a certain number of persons they are treating. Can this emergency be addressed under the present resolution?

Rep. Tucker: Rep. Nardi, that provision is in the resolution to provide for an emergency. The decision would have to be as to whether indeed it was an emergency or whether you are simply enacting into law the provisions of HB 1000 one step at a time. And basically, Mrs. Nardi, the position would be that if it wasn't provided for in the spending for 1977 it would not be provided for until a new budget was enacted.

Rep. Nardi: Excuse me, one further question. You just said it would not be enacted unless the budget was adopted, but in the emergency provisions, can we provide so that, say, the school for the retarded in Manchester does not have to let these children go.

Rep. Tucker: If it was regarded as an emergency situation it could be, Yes.

Speaker: Rep. Krasker has a question.

Rep. Krasker: Thank you. Rep. Tucker, I'd like to know if you can help me please. What effect would this have on state agencies applying for federal funding? Does this mean then that state agencies would be unable to request federal funding for any new program until we have a new budget or until October 20th?

Rep. Tucker: The answer to that Rep. Krasker is that any state agency could apply for federal funds and be eligible to receive them insofar as they were at the level of 1977. But my understanding is that it would not be authorized to pursue any new program.

Speaker: Rep. Quimby has a question.

Rep. Quimby: Thank you, Mr. Speaker. Rep. Tucker, I have two questions. Number one, can you make a guess as to what effect holding the budget expenditures to the 1977 level will have on the state's bond rating?



Rep. Tucker: Our only information, Rep. Quimby, is from the State Treasurer's office as of Thursday, one of the days we were locked over in the other room. We received a communication from the State Treasurer indicating the continuing resolution, according to Moody, the investment firm, puts the triple A bond rating in a precarious situation. As far as I know that situation remains the same and has not been changed by this resolution. It will continue to be a precarious situation.

Speaker: Further question. You may inquire.

Rep. Quimby: Thank you Mr. Speaker, a second question. In answer to Rep. Close's question about the effect on towns and cities and reimbursement to them, you said that the reimbursement will be frozen at the 1977 level. The funds that will not be allocated to towns and cities that they are now entitled to presumably will be held in reserve and returned to towns and cities when the time comes. Or will this money revert to the state and the towns and cities will never gain the benefit of the growth--such as five percent guaranteed increment in the business profits tax that is due to towns and cities. What happens to these frozen amounts due this year over the frozen funds due in 1977?

Rep. Tucker: That's a very good question, Rep. Quimby, and one that I can't answer. I can answer it in three parts, however, to help you make your own decision. As far as the House conferees are concerned, our consistent position has been that the budgeted increases for cities and towns should be granted. The position of the Governor has been that these increases to cities and towns should be reduced. The position of the Senate has been that they are not going to have a budget at all. So, what will happen on October 20th? I haven't any idea. From my point of view, whatever they are entitled to as of July 1, they will be entitled to retroactively if and when we ever get a budget.

Speaker: Rep. Wallin has a question.

Rep. Wallin: Mr. Speaker, would the member from Claremont explain to my very heat-addled head what the section on the bottom of page 2 and on the top of page 3 means in terms of increases in salary to those people whose salary is payable in whole or in part by federal funds? Do they not get an increase or do they get an increase or exactly what does the bottom of page 2 and the top of page 3 mean?

Rep. Tucker: It means that if someone is paid out of federal funds and the federal funds that are available for an increase are not sufficient to enable a seven percent increase to be given, that person would only get an increase consistent with the amount of federal funds that were available for the purpose of a raise.

Rep. Wallin: Further question? Thank you, Mr. Speaker. Mr. Speaker, would the Chairman of the Appropriations Committee then tell me if these people, once we have a budget, supposing that the millennium arrives sometime this year or next, will they retroactively receive what would have amounted to their full pay raise?

Rep. Tucker: Rep. Wallin, I would guess that if there were some injustice that existed because of this resolution, the new budget would have to have a retroactive proviso to give them the intended raise. From my point of view, the answer is "yes," they would get whatever they were entitled to.

Speaker: Rep. Hildreth has a question.

Rep. Hildreth: Mr. Speaker, Mr. Tucker, can you tell me why this has to be until October? September is the end of a quarter. How did you arrive at October? October 20th seems an awful long time.

Rep. Tucker: Well, in order to correct the second part of your question, I didn't arrive at anything. This is not my resolution. I suspect that October was arrived at in order to enable the conferees to come up with an acceptable budget. I can't answer that question. I don't know why October. It has something to do, I guess, with the first quarter's revenues.

Speaker: Rep. Wight has a question.

Rep. Wight: Thank you, Mr. Speaker. Chairman Tucker, before I ask the question, may I make the simple observation that I was present at many of your meetings and I would certainly like to compliment you, most frankly and candidly, on your efforts. Can you give me some clarification on this question: The Governor's office put out a publication which says that there were certain changes in the budget that might convince him to veto it. There is a footnote which covers a situation I believe was recognized as a crisis in mid-June. I think it remains a crisis now and I wondered if in your considered opinion would there still be a crisis? What I am referring to is the fact that Centralized Data Processing in mid-July advised its customers, the other state agencies, that they could not do the work necessary for them to do their job and meet federal commitments. And the Governor's study committee, under Comptroller Fowler, gave the Governor an immediate recommendation that some corrective action should be taken, namely the purchasing of additional equipment and the hiring of additional personnel. Will that classify as a crisis?

Rep. Tucker: I don't know. I can't answer that. As long as you've raised the question, I will reiterate what I indicated earlier, that the members of the Fiscal Committee (insofar as the House members are concerned) are unanimous in their opinion that we are not going to be put in the position of implementing a budget for 1978-79 under crisis or emergency pressures.

Rep. Wight: One further question. Would I then interpret your comment as saying that even if this situation with Centralized Data Processing is a crisis that the fiscal committee does not plan to respond to that crisis situation?

Rep. Tucker: No, not absolutely. That's not what I intend. I am indicating that if it is an emergency and is clearly demonstrated that it is an emergency, under this resolution the Fiscal Committee would have to respond. But I can't answer your question right now without the information



in detail. It would be inadvisable to stand here now and say, "Yes, I think that's a good one. We'll probably find that one being approved and we'll probably disapprove this one." Unless there is a demonstrated emergency, it would not qualify under the provisions of this resolution and it would have to wait until a budget was enacted.

Speaker: Rep. Fred Murray has a question.

Rep. Murray: Thank you, Mr. Speaker, Rep. Tucker, I'm concerned. Am I correct in assuming that this so-called job freeze--during which agency heads, superintendents and so forth, have not been able to re-hire somebody who might have retired, quit or otherwise--is over under this continuing resolution?

Rep. Tucker: The resolution authorizes the 1977 authorized spending level which would in effect mean the level that the budget provided for and not the level that would have been provided for under the provisions of the executive order which was approved by the Advisory Budget Control Committee. So the freeze would indeed be off.

Rep. Murray: Further question. In other words, Laconia State School's authorization for personnel in 1977 was 647. The last I know they were about 50 short in personnel. Would they be authorized to bring that number up to 647 under this continuing resolution?

Rep. Tucker: Up to the 1977 level. That is correct, I believe that question was addressed the last time we passed a continuing resolution back a week or so ago.

Speaker: Rep. Daniell has a question.

Rep. Daniell: Mr. Speaker and Rep. Tucker, what effect does this have on the capital budget? Will that be held up completely and no action taken under it until October 20th?

Rep. Tucker: Again, Rep. Daniell, to the best of my knowledge this resolution does not have an impact upon the consideration of the capital budget, which could be enacted into law without the passage of an operating budget. The two do not intermesh.

Speaker: Rep. Tarr has a question.

Rep. Tarr: Thank you, Mr. Speaker. Mr. Tucker, within two weeks the addition to the veterans home facility will be completed. The funds for staff to start operating that facility around August 1st were included in HB 1000. Did you mean in your opening statement that you would not consider either the funding or the staffing of this facility as an emergency?

Rep. Tucker: Rep. Tarr, with all due respect to you and in deference to that situation, I would have to say that that consideration would have to be treated under the provisions of this resolution with equal application of the spirit and intent of this on the basis of the information that is presented at the time that it is presented. I would not be able to answer that question definitely. I'm only one member of the Fiscal Committee to begin with and I would not be able to answer that until the Fiscal Committee had acted or heard from the other party to this, the Governor and Council.

Speaker: Rep. Scamman has a question.

Rep. Scamman: Mr. Speaker, I have two questions. Chairman Tucker, in regards to the question about the Laconia State School that was brought up by another member here--we already passed a bill providing Intermediate Care Facilities for the mentally retarded and adding more than 100 employees--those 100 employees would be able to be hired even if this resolution passes, would they not?

Rep. Tucker: My understanding, Rep. Scamman, is that any bill that has been passed, signed by the Governor and enacted into law takes effect with or without the budget being passed. It is a separate piece of legislation so that any bill relative to Laconia State School or any other legislative special would be taking effect on its effective date.

Speaker: Further question, you may inquire.

Rep. Scamman: Mr. Speaker, Rep. Tucker, the section that refers to the seven percent pay raise for the university system refers to all university employees. I think the law says that the auxiliary enterprises, which includes the dormitories and the food service workers, are self-supporting. I think it would be the intent of this resolution that they would get the seven percent pay raise but the money would come out of the funds raised through the fees for the dormitories and the fees for the food. Would my understanding be correct if that is the law?

Rep. Tucker: I understand, Rep. Scamman, that by the wording of this resolution any employee of the university is entitled to a seven percent raise but that that pay raise would come from whatever funds are customarily used to pay that employee. So if an individual is paid from fees or from income from a service which he renders, the seven percent would have to come from that source and not from the general fund.

Speaker: Rep. Daniel Healy has a question. Will the member answer one more question?

Rep. Healy: Rep. Tucker, I have just got one question to ask you. Are the conferees on the budget going to make a serious attempt to come to an agreement before the deadline of this continuing resolution; and if they do so, are we to reconvene before that deadline to pass judgment on the agreement made by the conferees?

Rep. Tucker: Rep. Healy, I can't answer that question because the Senate has not named any conferees as yet and there have been no conferees named on the part of the House. I note that there is no provision in this resolution for a committee of conference report to be made to this body prior to October 20th.

Speaker: Do you want to ask another question? Further question? You may inquire.

Rep. Healy: Then I am incorrect in believing that there is not going to be any work done as far as the budget is concerned until the deadline passes on this continuing resolution - am I correct now?

Rep. Tucker: As far as I know there is no intention of the committee of conference reconvening tomorrow.

Speaker: The Chair at this time recognizes Rep. Roberts to speak.

Rep. Roberts: Mr. Speaker, I rise reluctantly in support of this resolution. This really isn't a compromise by the House leadership as was mentioned by an earlier speaker. There was a request that the resolution drafted in the Governor's office be amended so at least there could be some equity in salary increase for legislative employees in the LBA and Legislative Services who were not included in the original version. We didn't think it was fair to give state employees a salary increase and exclude the legislative employees who serve us so well. The other change involved the inclusion of the Fiscal Committee. It was thought that there should be a role for the Fiscal Committee since the Fiscal Committee is responsible for handling the fiscal problems that arise in our absence. It was thought that they should have some role in administering this continuing resolution, in determining what is a so-called emergency, so that a billion dollars in revenues from one source or another cannot be maneuvered in such a way as to pay for those things that this legislature either did not adopt by HB 1000 or would not have adopted by its own action. As an opponent of the machinations by the Governor and Council that go on in our absence, receiving money and creating jobs, I felt this was the least we could do to protect the legislative prerogatives.

Let's call a spade a spade. This resolution is really an admission on our part that the state government is paralyzed because it takes a willingness to compromise to make government work. State government is now paralyzed because the people who are unwilling to compromise lost sight of the reason that we have a legislature in the first place: to produce results and to make policy decisions in the form of budgets and other laws that everybody can live with.

Three separate conference committees have presented three separate compromise budgets to the House and Senate. The House can be proud that in the spirit of compromise it supported each one of the budgets that was presented to it. Each budget was different, each one represented some change from the original House position and the original Senate position. The Senate rejected each of those compromise budgets. The Governor indicated even before the last compromise was written that he would veto any budget that did not meet his approval. The House can be proud that it has acted responsibly throughout the events of the past three weeks. Conservatives in the House didn't like everything in each of the three budgets, but they supported them (at least some of them did). Liberals in the House found many objectionable items in the budgets but they supported the budgets (at least most of them did). Moderates found plenty of room for improvement in those budgets but they recognized that the budget is much too important to turn any single item into a personal crusade. The

vast majority of the moderates on each side of the aisle supported the budgets. The House held together and twice presented the state with a budget. I think it is important for the record to show that achievement. For the past three weeks the House has been the moderating force in state government. We haven't been able to do it alone because it takes consent of the Senate and finally the Governor. The Governor and the Senate were not interested in compromise. As a result we have a state government which is virtually paralyzed because of the inaction of the Senate under the threat of a veto, and by the operation of certain licensed and unlicensed lobbyists. You must realize, when you vote on this resolution, that there is a \$13.7 million pay hike for state employees that we have not really funded by the enactment of new taxes or by projecting revenue to cover it. By adopting this resolution you will have preempted the budget deliberations next October to the extent of \$13.7 million because other programs and items of reimbursement will have \$13.7 million less available to be spent on them. Had the committee of conference reports been adopted, we would have had enough money--with the combination of the soft drink tax and the wine in grocery sales at additional stores (which was the Governor's proposal, and which we accepted in the spirit of compromise). Without these revenue increases, however, we are spending money we don't really have. We will be playing catch-up until sometime in October. That means simply that in October we will have to cut more than \$13.7 million someplace. The Governor's proposal was to cut reimbursement to towns and cities. Various cuts were proposed by each of the three conference committees. The Governor continued to suggest cuts from towns and cities to the last conference committee, although he did put back the program for the medically needy. Human services or aid to towns and cities or an additional three percent across-the-board cut on top of the three percent cut that we already included--these will have to be accomplished in October if we are going to live within our present means. Nevertheless, Mr. Speaker, this impasse has not occurred because we don't want to compromise. It isn't that we don't think that anybody else has the right answer. It is because the leadership of this House does not want to see government paralyzed any further and because we want to keep open the possibility of agreement later on. I believe reasonable people can accomplish reasonable things. We support the resolution because there is no alternative but to pass it, and passage will take a two-thirds vote. It would be very easy to wreak havoc on state government now. This resolution is not the best thing that can be done. But I don't see those people who tried to defeat the budget, both in this House and in the Senate (with the exception of Rep. Lawton who I think is a reasonable man and is a man who can compromise when there are vast differences between people) standing here now taking the heat they should. With the adoption of this

resolution you have cut the reimbursement for towns and cities automatically. The first payment cannot be met at the level projected for this year, which towns and cities have already anticipated in their budgets. And those people are not standing up to take the heat on the programs that will not continue and the programs that will be cut back because this resolution is not the equivalent of a budget. And they aren't standing here taking the heat for all the other programs and all the other things that will not be done. They don't know enough about the budget to talk about it intelligently. Moreover, they'll duck behind the headlines, saying they have cut the budget and let it go at that. They'll say they saved the state of New Hampshire a soft drink tax but they won't talk about what they have by their action brought havoc on this state. Home Rule? This resolution doesn't protect it as those people say publicly what they want to do. Protecting the towns requires reimbursement of state revenues to avoid having to increase property taxes. I know there are some who will disagree with what I say but it is correct nonetheless and you know it.

(Speaker in the chair)

Rep. Kenneth Smith moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested, sufficiently seconded.

Question being on the motion offered by Rep. French that the rules of the House be so far suspended as to permit SJR 1 to be considered at the present time without printing, referral to committee, public hearing and notice of committee report in the calendar.

Reps. Parker, Lessard and Horrigan abstained from voting under Rule 16.

(Speaker presiding)

YEAS 252 NAYS 57

YEAS 252

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Slack, Vrakatisis and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Cornelius, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainlev, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Brody, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Knight, LaPlante, Armand Lemire, Lyons, Madigan, Marcoux, Martin, Martineau, Mazur, McDonough, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Soucy, St. George, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, McNichol, Mullin, Packard, Pelton, Plourde, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Barka, Benton, Blake, William Boucher, Campbell, Chapman, Connors, Cunningham, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Goff, Gould, Greene, Griffin, Hoar, Kane, King, Lovejoy, Joseph MacDonald, Maynard, Nelson, Niebling, Norton, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Splaine, Stimmell, Vlack, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Horrigan, Joncas, Joos, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Preston, Sackett, Donald Smith, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 57

BELKNAP: Gary Dionne, Hildreth and Nighswander.

CARROLL: None.

CHESHIRE: Daniel Eaton, Anne Gordon, Terry and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Patenaude, Poulin and Neila Woodward.

GRAFTON: Chambers, Crory, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Bernier, Colson, Catherine-Ann Day, Arline Dion, Drewniak, Girolimin, Martel, McGlynn, Nardi, Orcutt, Leonard Smith, Spirou, Stahl, Wallin, M. Arnold Wight and Ziakas.



MERRIMACK: Blakeney, Carroll, Chandler, Eugene Daniell, Foley, Donna MacIvor, Pardy and Rice.

ROCKINGHAM: Blanchette, Collins, Krasker, Laycock, Donna McEachern, Joseph McEachern, O'Keefe, Parolise, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Kelly, Dennis Ramsey, Schreiber and Shirley White.

SULLIVAN: Brodeur, and the motion was adopted by the necessary two-thirds.

Speaker: This resolution is on second reading and open to amendment. No amendment being offered . . .

For what purpose does the member rise? The Chair recognizes Rep. Tucker.

Rep. Tucker: Thank you, Mr. Speaker, I am not offering an amendment per se, but I would like to have entered into the record two or three technical changes that the Senate has drawn attention to in their chamber as part of the record. I would like to do the same here so the Enrolled Bills Committee can make these changes and they will be clear. On page two of the resolution, Mr. Speaker, the sentence reads "funds subject to obligation under this resolution shall be deemed subject to transfer under the provisions of RSA 9:16-17-a (comma)." It should read "(comma) small W - with the prior approval of the legislative Fiscal Committee (period), capital T - the Governor is authorized by and with the advice and consent of the council to draw his warrant, etc." The way it was punctuated meant that the fiscal committee was giving approval to the drawing of the warrant rather than to the reason for it in the first place and that was not the intent. And then, at the bottom of the same page, page two, in the reference to the pay raises, the RSA citations relative to legislative employees should read: 505:1:01:02, the :01 was omitted. I believe, Mr. Speaker, that other than changing the letter E to the letter I--"in effect through October 20th"--the rest of it is correct.

Rep. Cunningham moved that the discussion on Senate Joint Resolution Number one be entered in the journal, to establish the legislative intent.

Adopted.

Speaker: This bill is on second reading and open to amendment. No amendment being offered . . . For what purpose does the member rise?

Rep. Daniell: Is there going to be any opportunity for those who are opposed to this action to speak?

Speaker: We are on second reading and open to amendment and the motion before the House at the present time is, "Shall the resolution be ordered to third reading?" It is a debatable motion. The Chair recognizes Rep. Daniell to speak.

Rep. Daniell: Mr. Speaker and friends, I only want to say I haven't the slightest idea of the wisdom of this move, this particular action. I haven't read the thing, I don't understand it. I think we are defaulting on our responsibility. I think we have a constitutional requirement to produce a budget. I think there is a thoroughgoing question as to whether this action is constitutional. I cannot possibly conceive of why we would adjourn to the 20th of October. If we are all hot and bothered and we've got to have a week off, maybe that would be wise. But to put this off until October 20th seems to me criminally negligent. We don't know what's going to develop as a result of this action. It's never been taken before, we don't know what action we are taking and we should never act so precipitously. I can say this: I am perfectly willing to vote a continuing resolution of this nature to be in effect for 10 days or 30 days and continuing thereafter, but I don't think that we are in a position to take any final action that is going to go over until the 20th of October. Just what its effects are, I don't think anybody here knows. So, I am opposed to it in its present form and shall vote against it.

Speaker: The question before the House at present time is, "Shall Senate Joint Resolution Number One be ordered to third reading?" For what purpose does the member rise? The Chair recognizes Rep. Hildreth to speak.

Rep. Hildreth: Mr. Speaker, It is not very often that I rise on the same side as my colleague, Mr. Daniell, but I do at this time. It is all well and good to say that this House has done its duty, it has passed the budget on two separate occasions and now we can go home until October. The fact is that we and the Senate over across the wall there have not done our duty. Our duty is to pass a budget and we haven't done it yet and I think that we should vote this down. Maybe then it will be open to amendment again and we can change the effective date and come back here. If we are talking about doing our duty, that's what we should do. If we are talking about putting it aside, letting it go, letting things take care of themselves for three or four months until we come back to worry about them again, then vote for the resolution. But if you are talking about doing your duty, do it by voting this down.

Speaker: The Chair recognizes Rep. Bednar to speak.

Rep. Bednar: Mr. Speaker, members of the House. As I understand from the record, the Governor's office, the Speaker, the Majority Leader, the Senate have agreed to this particular proposal. I saw a long line of people coming out of the Governor's office so there is some foundation to the statement that they sat down and compromised. However, you remember that earlier this session I stood before this House and asked the Chairman of the Appropriations Committee whether we had enough money to balance the proposed budget. Our rules require us to send a balanced budget into the Senate. The answer

was, "We will get the money." We are now in the bind we're in because of our choosing in the House to do as we did earlier, and because of the reluctance on the part of the Senate to agree with our position. Consequently I wrote a particular missive to the Chairman of the Joint Committee when they were in conference because I practically blew a blood vessel when I heard one member of the minority group said we should first find out what we are going to spend before we find out what our income is going to be. I do not accept this irresponsible fiscal policy; I go along with the resolution as it is presented. I hope some sanity will prevail. I said in that letter to the Chairman (which was never published in any news media, including the New Hampshire paper) that it is time fiscal sanity is restored. The representatives were sent here to run our government like we run our homes. We should find out what our income is and then decide what we are going to spend. Any damn fool can spend money, it doesn't take brains to do that. But it takes intelligence to present a reasonable budget and I support the leadership wholeheartedly. Even though I might not agree with the October 20th date, because it is time we restored fiscal sanity to this process.

Speaker: Chair recognizes Rep. Scamman.

Rep. Scamman: Mr. Speaker, members of the House, I would hope that you would pass Senate Joint Resolution Number One. I don't think, in answer to Rep. Daniell's problem of going to October 20th, that anything precludes the Speaker and the President of the Senate—if we adjourn under Joint Rule 31—from calling us back ahead of time and passing the budget if in fact we can get an agreement. I think the leadership on both sides feels that perhaps we should not come back every week and try to pass another budget and that a little time for cooling off will help us get a good budget. So, I think the October 20th date is not binding, if we adjourn under rule 31. We can come back earlier if the Senate President and the Speaker deem that we can pass a budget. If the Fiscal Committee holds tight on the emergencies they agree to under Senate Joint Resolution Number One, we well may be back here before October 20th because I do see two or three major areas of problems. I think for tonight we should pass this resolution as it is and let the committee of conference go on with its business.

Speaker: The Chair recognizes Rep. Plourde to speak.

Rep. Plourde: Mr. Speaker, fellow legislators. I rise in support of Senate Joint Resolution Number One. And for me it is crystal clear. We have acted with confidence when we dealt with the budget. We have sent an approved budget (from the House's standpoint) to the Senate three times. They have created a situation along with the front office that they can run this government by resolution. Well, I say let's give them an opportunity for the next few weeks. We can return here at the call of the Speaker. They are going to have fiscal chaos. They've been wanting this. I think

that we have fulfilled our responsibility and the people of New Hampshire should know that we have. The responsibility should now lay in the hands of those who feel that they can do it this way and I wholeheartedly support this resolution. I would urge each and every one of you to do the same. Let's do what we did before—act responsibly and act now. Thank you.

Rep. LaMott moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Lessard, Parker and Horrigan abstained from voting under Rule 16.

(Speaker presiding)

YEAS 232 NAYS 78

YEAS 232

BELKNAP: Ambrose, Beard, Marshall French, Lawton, Mansfield, Marsh, Morin, James Murrav, Sabhow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshalla, Matson, Moore, Margaret Ramsay, Slack, Vrakatisis and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Keough, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Cornelius, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Glynetta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Knight, Armand Lemire, Lyons, Madigan, Martin, Martineau, Mazur, McDonough, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, Paradis, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Packard, Pelton, Plourde, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Barka, Benton, Blake, William Boucher, Campbell, Chapman, Connors, Cunningham, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Goff, Gould, Greene, Griffin, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Joos, Kincaid, Lefavour, Maloomian, Meader, Rod O'Connor, Preston, Sackett, Donald Smith, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 78

BELKNAP: Bowler, Gary Dionne, Hildreth and Nighswander.

CARROLL: None.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Anne Gordon, Proctor, Terry and Terry Wiggins.

COOS: Cooney, Bradley Haynes, Oleson, Patenaude, Poulin and Neila Woodward.

GRAFTON: Chambers, Crory, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Bernier, Brody, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Girolimon, Cort Hansen, LaPlante, Marcoux, Martel, McGlynn, Nardi, O'Neil, Orcutt, Plomaritis, Leonard Smith, Spirou, St. George, Stahl, Wallin, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Blakeney, Carroll, Chandler, Eugene Daniell, Foley, Donna MacIvor, McNichol, Mullin, Pardy, Ralph and Rice.

ROCKINGHAM: Blanchette, Collins, Krasker, Laycock, Donna McEachern, Nelson, O'Keefe, Parolise, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Kelly, Maglaras, Morrisette, Nadeau, Dennis Ramsey, Schreiber and Shirley White.

SULLIVAN: None, and SJR 1 was ordered to third reading.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

Third reading and final passage  
SJR 1, making temporary appropriations for the expenses and encumbrances of the state and providing pay increases for certain state and university system employees.

#### PERSONAL PRIVILEGE

Rep. Helen Wilson addressed the House under personal privilege.

Reps. Marshall French and Spirou moved that the House stand in recess to reconvene from time to time for the purpose of enrolling bills and enrolled bills amendments only and then to reconvene at the call of the Speaker.

Adopted.

#### RECESS

#### ENROLLED BILLS AMENDMENT

SJR 1, making temporary appropriations for the expenses and encumbrances of the state and providing pay increases for certain state and university system employees.

#### Amendment

Amend the first paragraph after the resolving clause by striking out lines 21 and 22 and inserting in place thereof the following:  
shall be deemed subject to transfer under the provisions of RSA 9:16 - 17-a, with the prior approval of the legislative fiscal committee. The governor is authorized

Amend the second paragraph after the resolving clause by striking out lines 2 and 3 and inserting in place thereof the following:  
the salaries otherwise authorized by RSA 94:1-a (supp), 99:1-a (supp), 363-C:9 (supp) and 1975, 505:1.01, 02 shall be increased by 7 percent of the amount specified by those

Adopted unanimously.

#### RECESS

#### ENROLLED BILLS REPORT

SJR 1, making temporary appropriations for the expenses and encumbrances of the state and providing pay increases for certain state and university system employees.

Rep. James J. White  
For the Committee

The House adjourned to the call of the Speaker.



# HOUSE JOURNAL 3

*Tuesday, 27 Sep77*

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.

Good Morning Lord. Thank You for this new day. Thank You for life. Help us to live in ways that are meaningful, significant, fulfilling - ways in which You are made known and bring You pleasure, according to the lifestyle revealed to us in Your Son. For we are known by our works. Many know us, sorry to say, we who gather here to perform the tasks of government, as being akin to that man in history who fiddled while his city burned. O God, enough with childish ways! Let us accept the task before us with the maturity and sound judgment it deserves and the concern and honesty the people we serve, have a right to expect. Now Lord! Yes, Lord, Now! Let us, to a person, called to legislate, rise to this high calling and with Your blessing accomplish what is good, what is right, what is just, what is honest - with love and mercy - for our State and People. Amen!

Rep. Keller led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Anne Gordon, Harold Thomson, Burrows, Forsaith Daniels, Faucher and Cotton, the day, illness.

Reps. Alfreda Smith, Parr, Neila Woodward, Madeline Townsend, Found, Kerry O'Connor, Miller, Maglaras, Whipple, Krasker, Chase and Orcutt, the day, important business.

Reps. Allen Wilson and Elmer Johnson, the day, death in family.

## COMMUNICATION

Mr. James A. Chandler, Clerk  
House of Representatives

Dear Mr. Chandler:

On September 16, 1977, the following representatives-elect appeared before the Governor and Council and were sworn into office:

Hillsborough County District No. 23 (Nashua - Ward 8)

Yvette L. Chagnon, Nashua (36 Marlowe Road)

Merrimack County District No. 21 (Concord - Ward 8)

Eleanor Mitchell, Concord (37 Pinewood Trail)

Sincerely,  
William M. Gardner  
Secretary of State

## INTRODUCTION OF NEW MEMBERS

The Speaker introduced the Honorable Reps. Yvette L. Chagnon of Nashua and Eleanor Mitchell of Concord.

## INTRODUCTION OF GUESTS

Rep.-elect Donna Sytek of Salem, guest of the House.

The Speaker addressed the House briefly.

## SPEAKER'S REMARKS

Let me put today's session in some kind of perspective because many House members are not really sure why a second special session was called.

Back in July this House adjourned to the call of its Chair. I announced then that the next time the committee of conference met, it would have the latest revenue figures to work with and that the House would reconvene after those figures were in, which would be early October. The continuing resolution - which this House only reluctantly gave to the Governor - was extended well into October in order to give all those things time to happen. That resolution was supported by the leadership of both Houses and was written after lengthy consultation with the Governor's representatives.

Many House members - including myself - relied on the schedule set by that resolution to take care of personal business, medical needs, and pressing business problems that so many people had put off during the previous 7-month session of the House we had previously adjourned from. As soon as he knew that the Speaker of the House was almost 10,000 miles away and the Chairman of the Senate Finance Committee was recovering from back surgery in a Massachusetts Hospital and other key House members were unavailable because of their business and personal plans, the Governor tried to change the time-schedule of this legislature. He did so without even having the common courtesy of either writing the majority leader of the House who was acting on the Speaker's behalf as Speaker pro-tem or even telephoning the majority leader who was present every single day during my absence in the House of Representatives.

The strong bipartisan rejection of the Governor's effort to turn this House into a mob a week ago and the overwhelming vote to subpoena state agencies was a healthy sign that the House of Representatives takes its constitutional responsibilities and its own integrity very seriously. I am also pleased to be able to say that that was also the reaction of the other state legislative leaders I was with.

There was absolutely no reason to call another special session only about 5 days before the first one was to reconvene. There was no new fiscal crisis to justify changing the legislative timetable which the Governor had also agreed on, canceling the budget hearings and reconvening the Legislature before its committee of conference could produce a new report based on fresh information. There was no new fiscal crisis to short-circuit the Senate deliberations in the past weeks. All of the six specific problems given by the Governor for calling this second special session were well known when the Governor asked for a continuing resolution last July. In fact, they were some of the very reasons why we opposed giving the Governor a continuing resolution when he first asked for one.

Some people have said that the calling of a second special session was the Governor's personal act of vengeance against me. Others have been more gracious and have said that he simply grew impatient with the legislative process. Whatever his reasons may have been, this second special session is costing New Hampshire taxpayers over \$11,000 today. We do not need another 15 days Special Session on top of the 15 day Special Session previously called by him.

In a few moments, a motion will be made to recess the second special session to the call of the chair because there is no provision for operating jointly in this Session; there are no rules. Then a bill will be introduced to appropriate the necessary funds to pay mileage and other expenses for the first special session, which has not yet been done. Then the bipartisan leadership of the House will propose to amend the continuing resolution which was passed in the first special session in order to make FY 78 reimbursements to towns and cities. We will then try to adjourn so the House conferees of the budget who are in the process of considering the latest budget proposal can return to their conference.

When you eliminate all the political rhetoric, the disagreement over the budget isn't so wide any more and it certainly isn't wide in terms of the percentage of the total amount of dollars to be expended by state government. It is important to remember that we are talking about a difference in spending levels of only about 2 1/2 % of a billion dollar budget. Last week's budget hearings produced specific budget cuts that can lower the overall spending level without crippling state government. The Chairman of the House Appropriations Committee yesterday proposed over a dozen whole initiatives designed to bridge the remaining gap. None of them involved new taxes and many of them are the result of the budget hearings conducted by the House Appropriations Committee - hearings which the Chief Executive said were nothing more than a delaying tactic.

There is not a member of this House who does not sincerely want to see a budget passed - and passed as soon as possible. But this House will adhere to the timetable that was announced before the House adjourned last July and which was announced again the first week of September in a letter received by all House members. It can not be stampeded by any political attack and it should not operate through "shadow committees" designed wholly to side track the legislative process, which follows established rules. It should not try to emulate the failure of "The Gang of 12" that produced a budget in the Senate and then - for political reasons - did not even have the courage to vote for it themselves.

Even under the best of circumstances, writing a state budget is a very difficult and a very delicate political operation. Despite the strong partisan and philosophical differences that exist in this House, we have produced not one but two budgets. I am hopeful that we can produce a

third that doesn't force property taxes to skyrocket this year and doesn't cripple human services in the state offices. But to do that, the legislative process has had to work very carefully and very slowly, to produce results that House members from both parties and from all the factions in both of those parties can vote for intelligently. You will have the next committee of conference report mailed to you - hopefully days before the next meeting is called and we have to act on it. That is the way the legislative process should produce a budget and the way it has in the past. Any attempt to produce a budget any other way would be a direct attack on the independence and integrity of the House and its membership.

The Governor has said that the House leadership is attempting to use this budget to introduce a broadbase tax. That is an absolute lie. It is a smokescreen to hide the real problem: that the spirit of compromise between the Executive and the Legislative branches of government has been slowly eroded over the last years by a Chief Executive who, time and again, has shown his absolute contempt for the Legislative process and the constitutional prerogatives of this Legislature.

The last two weeks have shown that House members will stand together on that issue. Whatever our individual differences may be, we will produce a budget under the circumstances that time allows and will exercise the prerogatives the legislature enjoys under the Constitution. To produce a budget by any other method by delaying information to House committees or to conference committees or by trying to stampede the Legislature is incompatible with the responsibilities that are set down, for our membership in the Constitution and House rules.

I have talked to the House Appropriations Chairman, he informs me that the committee of conference has discussed many proposals and he has indicated that he would like to speak briefly to bring the House up to date on the progress of the committee of conference.

Rep. Tucker, chairman of Appropriations, gave a brief resume of the budget.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules be so far suspended as to permit HJR 2, directing and authorizing the state treasurer to make payments in accordance with RSA 31-A to be read a first and second time and to be considered at the present time without reference to committee, public hearing, notice in the calendar and committee report.

The Assistant Clerk read the resolution. Reps. Coutermarsh, Spirou, Cornelius, Lyons, Plourde and Scamman spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded.

Adopted.

Question being on the suspension of the rules.



Rep. Bridges requested a roll call.  
Sufficiently seconded.

(Speaker Presiding)  
YEAS 320 NAYS 2  
YEAS 320

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Dostilio, Daniel Eaton, Fillback, Galloway, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatitsis.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Brack, Bridges, Brody, Burke, Carswell, Chagnon, Coburn, Mark Connolly, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaFleur, Lamy, Levesque, Lyons, Marcoux, Martineau, Mazur, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM, Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Splaine, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Bruce French, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 2

BELKNAP: None.

CARROLL: Towle.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: None.

MERRIMACK: Ayles.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None, and the motion was adopted by the necessary two-thirds.

Rep. Ziakas wished to be recorded in favor of the resolution.

Reps. Marshall French and Spirou moved that HJR 2 be ordered to third reading.  
Adopted.

#### SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules be so far suspended as to permit HJR 2 to be read a third time and passed at the present time.

Adopted by the necessary two-thirds.

Question being shall HJR 2 be read a third time and passed.  
Adopted.

Third reading and final passage.

HJR 2, directing and authorizing the state treasurer to make payments in accordance with RSA 31-A.

The Subcommittee on Resolutions and Screening having approved its admittance, the Manchester delegation offered the following:

HOUSE RESOLUTION  
on the deaths of  
Honorable John L. Welch  
and Louis P. LaPlante

WHEREAS, the House has learned of the passing of its colleagues from Manchester, the Honorable John L. Welch and the Honorable Louis P. LaPlante; and

WHEREAS, their constituents in Manchester have seen fit to designate them as their spokesmen in the House of Representatives; and

WHEREAS, their active and valued work on their committees was recognized by all, and

WHEREAS, their friendship will leave a void in our ranks, now therefore be it

RESOLVED, by the 1977 House of Representatives in General Court convened, that its expression of condolence to their families be placed in the record and made a part of the Permanent Journal, and be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to their families.

Unanimously adopted by a rising vote of silent prayer.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules be so far suspended as to permit HB 1, appropriating money to cover the expense of 10 special legislative session days, to be read a first and second time and to be considered at the present time without reference to committee, public hearing, notice in the calendar and committee report.

Reps. Hanson and Coutermarsh spoke in favor of the motion.

Adopted by the necessary two-thirds.

Question being shall HB 1 be ordered to third reading.

Adopted.

#### SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules be so far suspended as to permit HB 1, appropriating money to cover the expense of 10 special legislative session days, to be read a third time and passed at the present time.

Adopted by the necessary two-thirds.

Question being shall HB 1 be read a third time and passed.

Adopted.

Third reading and final passage

HB 1, appropriating money to cover the expense of 10 special legislative session days.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

##### UNANIMOUS CONSENT

Rep. James J. White addressed the House by unanimous consent.

I wish that resolution referring to fair play would be read once again. Relative to committees of conference, I myself have been on a few. One I purposely asked to be removed from, because I was in disagreement and I felt if I stayed I would have jeopardized the bill and the merits of the bill. There still is another committee of conference that will have to be dealt with later on.

Inconsistencies of opinion arising from change of circumstances are often justifiable. Many of us are going to have to fight a private battle and come back in with something that is agreeable. Agreeable in the budget process. Attending a caucus this morning, I think it's fairly unanimous to the people in attendance that human sufferings can no longer go on. We have seen in the newspapers some department heads, having the courage of their convictions, stating that they could not live with a 6% cut nor a 3% cut. Yet we see some other departments turning around and saying that they could do that. I don't have any idea until it is discussed a little further here.

I received a letter on the 13th from his Excellency the Governor. And I would like it understood that as a legislator, he is my governor. I can disagree most respectfully. I will not call names. I don't think that anyone here would ever resort to calling names. One part of that letter was very interesting to me. It had said that during the regular session of the legislature "you raised additional taxes. Increased tax rates produced \$38 million more in revenues." "You raised." There is nothing in there stating that in the background, he was behind some of those proposals. I don't think there is any reason to repeat some of his proposals. Some passed and some were defeated quite strongly. Submitted throughout this complete session, coming out of the corner office, was a little paper that would state whether it was marked with an "S" or an "O". That was from the corner office, advising some legislators, I wouldn't use the word "telling," but advising some legislators to support a bill or to oppose a bill, and the reasons were given.

As an individual legislator I stand here today and I want to quote from the September 1st Manchester Union Leader. It states there that I owe a debt to twelve state Senators who labored long and hard on behalf of taxpayers' interests, and came up with what has repeatedly been printed as a reasonable budget that could be formulated. One which did not harm essential state services. Yet also in print in the Manchester Union Leader we have not heard every department administrator, whether he had been subpoenaed or not, and we have heard them and they have plainly stated that

their duties to the government could not function. Yet the determined dozen we are told we have to thank them. I could not stand here as a citizen, as a legislator, and thank a Senator who never even appeared before that committee. Yet we are told that he was one of the twelve. I couldn't thank Sen. McLaughlin for that. I can't thank Ward Brown for appearing two days. I can't thank Sen. Provost for appearing for four days. I can't thank Sen. Bergeron for appearing for five. And this goes on and on in relation to how many days they met and were paid legislative mileage.

In relation to the conservative Senators, I would like to bring to your attention that many of them had campaigned specifically on cutting state spending. Yet I would like to read to you the amount of bills each and every one of those twelve sponsored. A bill would cost approximately \$350 to write and have drawn up. Sen. Lamontagne sponsored alone twenty-three bills. Sen. Poulsen, six. Sen. Gardner, three. Sen. Bergeron, three. Sen. Saggiotes, six. Sen. Monier, twenty-one. Sen. Rock, twenty-one. Sen. McLaughlin, seven. Sen. Healy, eleven. Sen. Sanborn, thirty-three. Sen. Provost, six and Sen. Brown, nine. I don't believe that they are very consistent in saying they are going to suspend or curtail state spending when they have turned around and introduced more bills than any one legislator here.

Thank you.

Reps. Marshall French and Spirou moved that the House recess to the call of the Speaker.

Adopted.

315 members were recorded as present.

# HOUSE JOURNAL 4

*Thursday, 20 Oct77*

The Speaker called the House to order.

Reps. Marshall French and Spirou moved that the House adjourn to the call of the chair.

Adopted.

350 members were recorded as present.

Members not answering the attendance call, not granted leave of absence or not excused.

Reps. Vlack, Welch, Tarr, Fortier, Scott, Rossley, Quigley, Aldrich, Levesque, Chase, Galloway, Arnold, Danforth, Benton, Stratton, Barka, St. George, Lemire, Govette, William Desmarais, Lachance, Arline Dion, Appel, Charles Grassie, Kevin Sullivan, Watson, Roland Boucher, Ellis, Normand and Stefanides.

# HOUSE JOURNAL 5

*Thursday, 27 Oct77*

The Speaker called the House to order.

## SENATE MESSAGE NONCONCURRENCE

HB 1, appropriating money to cover the expense of 10 special legislative session days.

HJR 2, directing and authorizing the state treasurer to make payments in accordance with RSA 31-A.

Reps. Marshall French and Spirou moved that the House adjourn to the call of the chair.

Adopted.

323 members were recorded as present.

Members not answering the attendance call, not granted leave of absence or not excused.

Reps. Hough, Aeschliman, Bosse, Cutcliffe, John Winn, Cecelia Winn, Snell, Sabow, Bodi, Scott, Rosslev, Quigley, Levesque, Chase, Lynch, Dunfey, Arnold, Danforth, James Murray, Stratton, Rose, Wiswell, Terry Wiggin, Allen Wilson, Lemire, Crotty, Donna McEachern, McDonough, Alter, William Desmarais, Grieco, Pappas, Pelletier, Faucher, Lucas, Neil McIver, Gort Hansen, Sara Townsend, Marcoux, Peters, Appel, Currier, Colson, Michael O'Keefe, Charles Grassie, Albert Bellemore, Kelly, Kevin Sullivan, Watson, Bisbee, Roland Boucher, Bernier, Vrakatitsis, Ellis, Normand, Stefanides and Madigan.

# HOUSE JOURNAL 6

*Thursday, 3 Nov77*

The Speaker called the House to order.

Rep. Marshall French moved that the House adjourn to the call of the chair. Adopted.

311 members were recorded as present.

Members not answering the attendance call, not granted leave of absence or not excused.

Reps. McLane, Hough, Niebling, Tarr, Sweeney, Raymond Conley, Snell, Howard Humphrey, Huggins, Rossley, Quigley, Levesque, Martz, Chase, Horrigan, Arnold, Martin, Stratton, Rose, Gamache, Wiswell, Miller, St. George, Parker, Robert Wheeler, Allen Wilson, Norton, Lemire, Crotty, Harold Thomson, Alter, Goyette, Grieco, Keough, Pappas, Faucher, Tucker, Lucas, Brody, Duhaime, Wiviott, Ainley, Gordon, L. Penny Dion, Appel, Currier, Colson, Michael O'Keefe, Grassie, Bellemore, Kelly, Morrison, Kevin Sullivan, Watson, James J. White, Roland Boucher, Chagnon, LaMott, Valliere, Ellis, Normand, Stefanides and Madigan.



# HOUSE JOURNAL 7

*Tuesday, 11 Apr78*

The House met at 10:00 a.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.  
Good Morning God.

Would you believe Lord, that along with Snoopy, there are a great number of New Hampshire folks who feel that there is more than just the unwanted winter's cosmetics being carried downstream by the spring freshets? Many with a feeling of frustration see a great run-off of that which is good, honest, just, honorable, people-centered, righteous, genuine, sane, real, serving. The erosion of good government seems to have almost reached the flood state. The pollution of greed, pettiness, self-serving taints the rightful flow of the democratic process and dream - for, by, of the People.

Once again, dear Lord, as if by a miracle, we have the opportunity to respond as a "People Under God." We need Your help, God! Take control of the control centers of our lives and make us the kind of people You want us to be. I pray that this may be the desire of every heart of every person gathered here, and as the fiddlehead and fern, one of Your springtime signs of new life and hope, bear witness to Your faithful design alongside our New Hampshire streams, we may prove faithful in our task here to serve our state with our best. So help us God. Amen!

Rep. Horton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Claflin, Edmund Keefe, Michael Hanson, Wolfson, Morgan, Gelinas, Madeline Townsend, Snell, Willey, Bradley Haynes, John Winn, Cecelia Winn, Forsaith Daniels, Clyde Eaton and Ainley, the day illness.

Reps. Hess, Anne Gordon, Wiviott, McLane, Brody, Harold Thomson, Gemmill, Normand, Edward Smith, Cort Hansen, Neil McVer, Paul Riley, Carroll and Poulin, the day, important business.

## COMMUNICATIONS

George B. Roberts, Jr.  
Speaker of the House

This letter is to inform you that I must resign my seat in the New Hampshire House of Representatives. I have accepted the position of Senior Coordinator, Public Affairs with Philip Morris Incorporated, 100 Park Avenue, New York, New York. As a result, my wife and I will soon be leaving New Hampshire.

With warmest personal regards, your friend

Rep. Douglas J. Aller

Mr. James A. Chandler, Clerk  
House of Representatives

Dear Mr. Chandler:

On November 30, 1977, the following representative-elect appeared before the Governor and Council and was sworn into office:

Merrimack County District 12 - Franklin, Ward 1

Rudolph G. LaBranche, Franklin (394 North Main Street, P. O. Box 23)

On December 16, 1977, the following representative-elect appeared before the Governor and Council and was sworn into office:

Hillsborough County District No. 35  
(Manchester, Ward 11)

Roland Lemire, Manchester (214 Whipple Street)

On March 10, 1978, the following representative-elect appeared before the Governor and Council and was sworn into office:

Strafford County, District No. 18 (Dover)  
Anthony McManus, Dover (Back Road)

On March 24, 1978, the following representatives-elect appeared before the Governor and Council and were sworn into office:

Hillsborough County District No. 15 (Pelham)  
Peter R. Flynn, Pelham (9 Sawmill Road)

Rockingham County District No. 4 (Derry)  
Paul A. Gibbons, Derry (Box 52, RFD 2, Chester)

Rockingham County District No. 13 (Exeter)  
Daniel W. Jones, Exeter (RFD 1, Great Hill)

Sincerely  
William M. Gardner  
Secretary of State

The Assistant Clerk read the communication in full.

The Speaker introduced Reps. LaBranche, Lemire, McManus, Flynn, Gibbons and Jones.

## SEATING ASSIGNMENTS

Rep. Lemire 3-46  
Rep. LaBranche 1-30  
Rep. McManus 2-11  
Rep. Gibbons 3-16  
Rep. Jones 5-6  
Rep. Flynn 4-43

## COMMITTEE ASSIGNMENTS

Rep. LaBranche on Transportation  
Rep. Rose on Transportation  
Rep. Daniel Jones on Judiciary  
Rep. McManus on Ways and Means  
Rep. Flynn on State Institutions  
Rep. Gibbons on Environment and Agriculture  
Rep. Lemire on Interstate Cooperation

## COMMITTEE ASSIGNMENT

Rep. J. White on Resolutions and Screening

## INTRODUCTION OF GUESTS

Seth James Taylor Sanders, son of Rep. Sanders.

## PETITIONS

The Towns of North Hampton, Raymond, Kensington, Strafford, Hudson, Richmond and Merrimack respectfully petition the General Court to pass legislation to prohibit utilities, such as the Public Service Company of New Hampshire from charging consumers, higher rates for facilities not yet in service.

Respectfully,  
Boards of Selectmen of the  
Respective Towns

Their introduction having been approved by the House Rules Committee, Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 2 through 33 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 2, relative to mileage payments to legislators while on other legislative business and making an appropriation therefor. (Tucker of Sullivan Dist. 4 - To Appropriations)

HB 3, establishing an office of health planning and development. (Ward of Grafton Dist. 1; Nardi of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 4, relative to the use of time-of-use and time-of-day rates by electric utilities. (Cornelius of Grafton Dist. 13; Proctor of Cheshire Dist. 14; Smith of Hillsborough Dist. 34; Smith of Hillsborough Dist. 14; Voll of Strafford Dist. 4 - To Science and Technology)

HB 5, requiring public utilities' rates to be based on a current level of services. (Chambers of Grafton Dist. 13; Parr of Rockingham Dist. 12; Bowler of Belknap Dist. 3; Grassie of Strafford Dist. 12; Cornelius of Grafton Dist. 13; Stomberg of Grafton Dist. 8; Haynes of Coos Dist. 1; L. Smith of Hillsborough Dist. 14; Orcutt of Hillsborough Dist. 8; Krasker of Rockingham Dist. 22; Corser of Hillsborough Dist. 2; Maynard of Rockingham Dist. 18; Horrigan of Strafford Dist. 4; Proctor of Cheshire Dist. 14; Blanchette of Rockingham Dist. 14; Splaine of Rockingham Dist. 19; Hildreth of Belknap Dist. 6; Brody of Hillsborough Dist. 24; Lessard of Strafford Dist. 20; Wojnowski of Rockingham Dist. 14; Burchell of Strafford Dist. 1; Bodi of Merrimack Dist. 7; E. Smith of Hillsborough Dist. 34; Rice of Merrimack Dist. 20; Voll of Strafford Dist. 4; Blakeney of Merrimack Dist. 17; Taffe of Grafton Dist. 5; Dunfey of Rockingham Dist. 12; Spirou of Hillsborough

Dist. 27; Wallin of Hillsborough Dist. 16; Ganley of Rockingham Dist. 13; Russell of Cheshire Dist. 13; Kaklamanos of Hillsborough Dist. 21; Pappas of Hillsborough Dist. 18; Terry of Cheshire Dist. 16; Poulin of Coos Dist. 9; Woodward of Coos Dist. 2; Chapman of Rockingham Dist. 15; Vrakatitsis of Cheshire Dist. 12; Day of Hillsborough Dist. 26; Crory of Grafton Dist. 13 - To Science and Technology)

HB 6, amending the city charter of Rochester to provide for non-partisan municipal primary and general elections. (Burchell of Strafford Dist. 12; Wilson of Strafford Dist. 11; Ramsey of Strafford Dist. 13; Ruel of Strafford Dist. 13 - To Municipal and County Government)

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. (White of Hillsborough Dist. 27 - To Regulated Revenues)

HB 8, relative to the Livermore Falls Gorge study commission. (Taylor of Grafton Dist. 9; Dearborn of Grafton Dist. 11; Sen. Smith of Dist. 3 - To Resources, Recreation and Development)

HB 9, to reclassify part of the Pennichuck brook. (Heald of Hillsborough Dist. 5 - To Resources, Recreation and Development)

HB 10, establishing the New Hampshire crime commission. (Trachy of Merrimack Dist. 13; Townsend of Sullivan Dist. 1; Laycock of Rockingham Dist. 5; Russell of Cheshire Dist. 13; Cornelius of Grafton Dist. 13; Bosse of Hillsborough Dist. 1; Close of Cheshire Dist. 15 - To Executive Departments and Administration)

HB 11, relative to the custody of the jail and house of correction in Strafford County. (Voll of Strafford Dist. 4 - To Municipal and County Government)

HB 12, prohibiting the Strafford county attorney from engaging in the private practice of law. (Voll of Strafford Dist. 4 - To Municipal and County Government)

HB 13, limiting the liability of municipalities for property damage. (Smith of Strafford Dist. 3 - To Municipal and County Government)

HB 14, making appropriations for capital improvements in the Winnepesaukee river basin pollution control program. (French of Belknap Dist. 1; LaMott of Grafton Dist. 6 - To Appropriations)

HB 15, extending the lapse date on capital improvements for the Hayes building. (LaMott of Grafton Dist. 6 - To Appropriations)

HB 16, amending the statute on the program of special education and making an appropriation therefor. (Chambers of Grafton Dist. 13; Parr of Rockingham Dist. 12; Gibbons of Rockingham Dist. 4; Krasker of Rockingham Dist. 22; Conley of Carroll Dist. 3; Boucher of Rockingham Dist. 3; Day of Hillsborough Dist. 26; Spirou of Hillsborough Dist. 27; Stomberg of Grafton Dist. 8; Sen. Hancock of Dist. 15; Sen. Keeney of Dist. 14 - To Education)

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A). (Boucher of Rockingham Dist. 3; Krasker of Rockingham Dist. 22 - To Constitutional Revision)

HB 18, relative to state taxation of electric generating plants. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16; Peters of Hillsborough Dist. 9; Smith of Carroll Dist. 3 - To Ways and Means)

HB 19, repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay. (Spirou of Hillsborough Dist. 27 - To Labor, Human Resources and Rehabilitation)

HB 20, concerning the responsibility and the means for financing education for handicapped children. (Daniell of Merrimack Dist. 13; Head of Hillsborough Dist. 10 - To Education)

HB 21, reimbursing John A. King for legal expenses in regard to the Board of Probation v. John A. King. (Spirou of Hillsborough Dist. 27; White of Hillsborough Dist. 27 - To Claims, Military and Veterans Affairs)

HB 22, making appropriations for capital improvements. (LaMott of Grafton Dist. 6; Marshala of Cheshire Dist. 5; White of Hillsborough Dist. 27 - To Public Works)

HB 23, relative to prorating property tax exemptions during the transition to the optional fiscal year. (Carswell of Hillsborough Dist. 13 - To Ways and Means)

HB 24, reducing the debt limit of the city of Nashua. (Boisvert of Hillsborough Dist. 21; Gagnon of Hillsborough Dist. 21 - To Municipal and County Government)

HB 25, forbidding the taking of oyster spat except by marine biologists of the fish and game department. (Maynard of Rockingham Dist. 18; Griffin of Rockingham Dist. 19 - To Fish and Game)

HB 26, relative to annual equalization of valuations. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16; Peters of Hillsborough Dist. 9; Smith of Carroll Dist. 3 - To Ways and Means)

HB 27, concerning election laws. (Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19 - To Statutory Revision)

HB 28, relative to making an appropriation for equipment for the youth development center. (Nardi of Hillsborough Dist. 27; Spirou of Hillsborough Dist. 27 - To State Institutions)

HB 29, relative to non-conforming boilers and unfired pressure vessels. (Kidder of Merrimack Dist. 1 - To Commerce and Consumer Affairs)

HB 30, prohibiting public officials from committing certain acts. (Spirou of Hillsborough Dist. 27 - To Claims, Military and Veterans Affairs)

HB 31, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor. (Vrakatitsis of Cheshire Dist. 12; Hildreth of Belknap Dist. 6 - To Appropriations)

HB 32, relative to certain amendments to facilitate tax exempt bonding for the state retirement system. (Roberts of Belknap Dist. 4 - To Appropriations)

HB 33, imposing a tax on capital gains and making an appropriation to the department of revenue administration. (McManus of Strafford Dist. 18; McLane of Merrimack Dist. 16 - To Ways and Means)

#### SUSPENSION OF RULES

Rep. Granger moved that the Rules be so far suspended as to permit the introduction of two proposals not previously approved by the Rules Committee, spoke to his motion and yielded to questions.

Reps. Lawton, Spirou and Coutermarsh spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded Adopted. Motion lost.

Rep. Marshall French moved to adopt, as the calendar of the Special Session, the recommendation of the House Rules Committee, proposed and agreed to by the Senate President and the Speaker of the House, and that we make such changes to the existing joint rules as may be necessary to put that calendar into effect, and that any changes to these rules shall be made by majority vote of the House by the next legislative session day.

Rep. Spirou spoke in favor of the motion. Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the chair.

Adopted.

#### LATE SESSION

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Bradley Haynes and Wiswell offered the following:

#### RESOLUTION

##### ON THE DEATH OF

HONORABLE HARRY F. HUGGINS

WHEREAS, we have learned with sorrow of the death of Harry F. Huggins, Representative from Pittsburg, and

WHEREAS, Representative Huggins for seven sessions represented the largest representative district, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and a copy of this resolution be sent to his daughter.

The Subcommittee on Resolutions and Screening having approved its admittance, the Portsmouth Delegation offered the following:



RESOLUTION  
ON THE DEATH OF  
WALTER J. JAMESON

WHEREAS, we have learned with sorrow of the death of Walter J. Jameson, former Representative from Portsmouth, and

WHEREAS, former Representative Jameson served three sessions, and

WHEREAS, he served his community faithfully and with efficiency, and

WHEREAS, the members sincerely regret that their official duties today preclude them from paying their respects at the services, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and a copy of this resolution be sent to his family.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Roberts and the Concord delegation offered the following:

RESOLUTIONS  
ON THE DEATH OF  
VICTORIA E. MAHONEY

WHEREAS, Victoria E. Mahoney was elected to the House of Representatives for three consecutive terms by her constituents in Ward 8 of Concord, and

WHEREAS, Rep. Mahoney served with distinction in the 1953, 1955 and 1957 Sessions of the General Court as a member of the Public Welfare and State Institutions Committee and as Chairman of the Engrossed Bills Committee in the 1955 Session, and in addition served on the Executive Committee of the Merrimack County Delegation, and

WHEREAS, Rep. Mahoney's service in the Legislature was just one of her many areas of interest in the good works of her city, county and state, as demonstrated by her active roles in such community groups as the Farm Bureau, the Grange, 4-H Leaders Association, and the Business and Professional Women's Club, now therefore be it

RESOLVED, that the condolences of the members of the current House of Representatives be extended to the members of her family and those constituents whom she served so faithfully, and be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to her family.

All unanimously adopted by a rising vote of silent prayer.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Spirou, Lyons, Coutermarsh, Van Loan, Peters and James J. White offered the following:

HOUSE RESOLUTION NO. 67  
COMMEMORATING EDWARD J. POWERS

WHEREAS, New Hampshire will shortly lose one of its most outstanding public servants because of his retirement; and

WHEREAS, Edward J. Powers is the father of the nation's first state lottery and is a nationally recognized and respected authority in the field of state lotteries, having served as the president of the National Association of State Lotteries from 1974-1976; and

WHEREAS, he has enjoyed a most distinguished career, first as an outstanding special agent for the Federal Bureau of Investigation in the capacity of special agent in charge of six different field divisions; and

WHEREAS, he is a distinguished attorney and a member of four state bars, namely New Hampshire, Massachusetts, Florida and the District of Columbia and is lecturer in criminal justice at St. Anselm's College; and

WHEREAS, Mr. Powers has exhibited the fine New Hampshire spirit for public service having served as town moderator in Bedford from 1968-1976; and, now be it

RESOLVED: That the House of Representatives salute Edward J. Powers for his distinguished and multi-faceted career and more importantly thank him for his vision, courage and independence as the first executive director of the New Hampshire Sweepstakes Commission; and further be it

RESOLVED, that a copy of these resolutions be personally delivered to Edward J. Powers.

Rep. Spirou spoke to the resolution. Adopted.

ANNOUNCEMENT

Rep. James J. White of Manchester was married in the House Chamber, February 18th, 1978 to Alison W. Rowson of Gilford. The marriage was performed by House Speaker George Roberts.

RECESS

Their introduction having been approved by the House Rules Committee, Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 34 through 46 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, Second reading and referral  
HB 34, authorizing certain stores to sell table wine. (Tucker of Sullivan Dist. 4; Townsend of Sullivan Dist. 1; French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27 - To Regulated Revenues)

HB 35, relative to providing exemptions from public utility status for certain electrical energy producers and setting rates for sale of power generated by those exempted producers. (Daniell of Merrimack Dist. 13; Dickinson of Carroll Dist. 2; Kidder of Merrimack Dist. 1; Rounds of Grafton Dist. 12; Parr of Rockingham Dist. 12 - To Science and Technology)



# HOUSE JOURNAL 8

*Tuesday, 18 Apr78*

The House met at 12:30 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Let us pray:

"The service we render to others is really the rent we pay for our room on this earth. It is obvious that man is himself a traveller; that the purpose of this world is not "to have and to hold" but "to give and to serve." There can be no other meaning." - Wilfred T. Grenfell.

Thank You, dear God, for the gifts of time, talent, body, mind, soul, spirit -life- and all the responsibilities and privileges that come our way. Help us to use all Your gifts, wisely and well - in giving and serving. And for the gift of Yourself, the gift that gives all of life richness and beauty and meaning and purpose and hope - thank You, Lord, thank You. Guide us now into ways that serve others because our way is Your way. Amen.

Rep. Russell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Ainley, Forsaith Daniels, Edmund Keefe, Lefavour, Cecelia Winn, Bisbee and Mitchell, the day, illness.

Reps. Normand, Morgan, Anne Gordon, Blake, Cutliffe, Sabbow, Barka, Maglaras, Irvin Gordon, Gelinas, Madeline Townsend, Brack, Bridges, Watson, Ralph, Nelson and Gould, the day, important business.

## INTRODUCTION OF GUESTS

Miss Esther Ansourlian, guest of Rep. Dunphy; Petty Officer and Mrs. John Sutherland of Puerto Rico, daughter and son-in-law of Rep. Mullin; Mrs. Russell Raito, guest of Rep. Lovejoy; Mrs. Edward King, guest of Rep. Wiviott; Exeter Area League of Women Voters, guests of Rep. Kane; Members of the N.H. Government Class of N.H. Vo-Tech College in Claremont and Kathy Rawls, interpreter for the deaf students, guests of Rep. Tucker.

Rep. Marshall French offered the following:

## HOUSE CONCURRENT RESOLUTION NO. 1

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet with the Senate in Joint Convention at 12:45 o'clock for the purpose of receiving his Excellency the Governor and to hear any communication he may be pleased to make, and for the transaction of any other business as may properly come before such convention.

Adopted.

Their introduction having been approved by the House Rules Committee, Rep. Marshall French offered the following:

HB 36, relative to legalizing action taken at various town meetings and special town meetings. (MacDonald of Carroll Dist. 4; Claflin of Carroll Dist. 4; Taffe of Grafton Dist. 5 - To Municipal and County Government)

HB 37, concerning the power of Magdalen College to grant degrees. (French of Belknap Dist. 1 - To Education)

HB 38, providing for public hearing before transfer or assignment of any railroad franchise. (Hoar of Rockingham Dist. 8; Coutermarsh of Hillsborough Dist. 24; Sen. Saggiotes of Dist. 8; Sen. Downing of Dist. 22 - To Transportation)

HB 39, relative to the liability of ski areas in personal injury actions. (Dickinson of Carroll Dist. 2; Found of Carroll Dist. 2; Hanson of Merrimack. Dist. 5; Taffe of Grafton Dist. 5; LaMott of Grafton Dist. 6; Tucker of Sullivan Dist. 4; Smith of Hillsborough Dist. 34; Howard of Carroll Dist. 1; Head of Hillsborough Dist. 10 - To Judiciary)

HB 40, providing a business profits tax deduction for the federal new jobs tax credit. (French of Belknap Dist. 1 - To Ways and Means)

HB 41, concerning the assignment of temporary justices of the supreme court. (Wiviott of Merrimack Dist. 16 - To Judiciary)

HB 42, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns. (Murray of Belknap Dist. 5; Erler of Rockingham Dist. 8; Wallace of Hillsborough Dist. 22; Gordon of Cheshire Dist. 9; Karnis of Hillsborough Dist. 4; Dion of Hillsborough Dist. 35; Shepard of Merrimack Dist. 4; Waters of Merrimack Dist. 9 - To Transportation)

HB 43, establishing a hazardous waste management program. (Greene of Rockingham Dist. 17; Sanders of Belknap Dist. 4 - To Environment and Agriculture)

HB 44, enabling the trustees of the university system to reimburse certain municipalities for services rendered. (McIver of Grafton Dist. 11 - To Municipal and County Government)

HB 45, relative to amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies. (Roberts of Belknap Dist. 4; Baker of Hillsborough Dist. 14; Tucker of Sullivan Dist. 4; Close of Cheshire Dist. 15; Spirou of Hillsborough Dist. 27; Cornelius of Grafton Dist. 13; Sen. Downing of Dist. 22; Sen. Brown of Dist. 19; Sen. Smith of Dist. 3; Sen. Fennelly of Dist. 21; Sen. Keeney of Dist. 14 - To Executive Departments and Administration)

HB 46, relative to the improvement of services to the mentally retarded and making an appropriation therefor. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

## RECESS

Rep. Marshall French moved that the House adjourn.  
Adopted.

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 47 through 66 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 47, to conform the state unemployment compensation law to federal requirements specified in P. L. 94-566 as amended.

(Skinner of Rockingham Dist. 3-A; LaMott of Grafton Dist. 6; Cunningham of Rockingham Dist. 12; Kidder of Merrimack Dist. 1; McGlynn of Hillsborough Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 48, establishing public guardian offices and relative to professional guardians. (Carpenito of Rockingham Dist. 5; Hanson of Belknap Dist. 5; Cornelius of Grafton Dist. 13; Aeschliman of Rockingham Dist. 18; Kaklamanos of Hillsborough Dist. 21 - To State Institutions)

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system. (Orcutt of Hillsborough Dist. 8; Ganley of Rockingham Dist. 13; Ladd of Cheshire Dist. 3 - To Resources, Recreation and Development)

HB 50, relative to restructuring the public utilities commission and making an appropriation therefor. (Lessard of Strafford Dist. 20; Sen. Rock of Dist. 12; Sen. Saggiotes of Dist. 8; Cornelius of Grafton Dist. 13; Proctor of Cheshire Dist. 14; Taylor of Grafton Dist. 9; Dunfey of Rockingham Dist. 12; Sen. Fennelly of Dist. 21; Smith of Hillsborough Dist. 34; Smith of Hillsborough Dist. 14; Kaklamanos of Hillsborough Dist. 21; Sen. Jacobson of Dist. 7; Dickinson of Carroll Dist. 2; Gage of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 51, providing for the defense and indemnification of state officers and employees against certain claims. (Cornelius of Grafton Dist. 13; Close of Cheshire Dist. 15; Bosse of Hillsborough Dist. 1; Chambers of Grafton Dist. 13 - To Judiciary)

HB 52, relative to night hunts for coon dogs. (Thomson of Grafton Dist. 7; Stimmell of Rockingham Dist. 1 - To Fish and Game)

HB 53, enabling towns and cities to adopt ordinances regulating the giving of massages. (Quimby of Rockingham Dist. 4 - To Statutory Revision)

HB 54, relative to landlord and tenant relations. (Blanchette of Rockingham Dist. 14 - To Constitutional Revision)

HB 55, reducing the penalty for operating an overloaded vehicle. (Spirou of Hillsborough Dist. 27; Cornelius of Grafton Dist. 13; Chambers of Grafton Dist. 13; Hildreth of Belknap Dist. 6; Roberts of Belknap Dist. 4; French of Belknap Dist. 1 - To Transportation)

HB 56, excusing a school board from its duty to provide education to residents of military installations. (Aeschliman of Rockingham Dist. 18; Zaharsky of Rockingham Dist. 22; Splaine of Rockingham Dist. 19; Cotton of Rockingham Dist. 20; Maynard of Rockingham Dist. 18; MacDonald of Rockingham Dist. 20; Connors of Rockingham Dist. 21; McEachern of Rockingham Dist. 20; Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19; Rossley of Rockingham Dist. 23; O'Keefe of Rockingham Dist. 21; McEachern of Rockingham Dist. 23; Sen. Foley of Dist. 24 - To Education)

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled. (Tucker of Sullivan Dist. 4 - To Commerce and Consumer Affairs)

HB 58, transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 24; Spirou of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 59, providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations. (Chapman of Rockingham Dist. 15; Sen. Monier of Dist. 9 - To Commerce and Consumer Affairs)

HB 60, relative to emergency diagnostic detention. (Perkins of Merrimack Dist. 18 - To State Institutions)

HB 61, relative to fees for certificates of title and inspection stickers. (Murray of Belknap Dist. 5 - To Transportation)

HB 62, relative to regulation of investments of domestic life insurance companies. (Chapman of Rockingham Dist. 15; Wiviott of Merrimack Dist. 16 - To Commerce and Consumer Affairs)

HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds. (Smith of Hillsborough Dist. 14; Boucher of Rockingham Dist. 3; Chambers of Grafton Dist. 13; Wallin of Hillsborough Dist. 16; Stahl of Hillsborough Dist. 17 - To Transportation)

HB 64, forbidding the confinement of children in adult correctional facilities. (Nighswander of Belknap Dist. 2; Knight of Hillsborough Dist. 8; Cornelius of Grafton Dist. 13; Murray of Hillsborough Dist. 3; Kaklamanos of Hillsborough Dist. 21 - To State Institutions)

HB 65, regulating places where massages are given and their employees. (Grassie of Strafford Dist. 12; Chapman of Rockingham Dist. 15; Dunfey of Rockingham Dist. 12; Collins of Rockingham Dist. 5; Blanchette of Rockingham Dist. 14; O'Keefe of Rockingham Dist. 21; Pappas of Hillsborough Dist. 18; Kaklamanos of Hillsborough Dist. 21; Splaine of Rockingham Dist. 19 - To Statutory Revision)

HB 66, relative to Hillsborough county budgetary procedures. (Spirou of Hillsborough Dist. 27; Boisvert of Hillsborough Dist. 22; Carswell of Hillsborough Dist. 13; Coutermarsh of Hillsborough Dist. 24; Cullity of Hillsborough Dist. 28; Day of Hillsborough Dist. 26; Lyons of Hillsborough Dist. 13; Morgan of Hillsborough Dist. 3; Gagnon of Hillsborough Dist. 21; O'Neil of Hillsborough Dist. 32; Perkins of Hillsborough Dist. 8; Record of Hillsborough Dist. 17; Sweeney of Hillsborough Dist. 34; Van Loan of Hillsborough Dist. 9; Wallin of Hillsborough Dist. 16; Ziakas of Hillsborough Dist. 33; Kaklamanos of Hillsborough Dist. 21 - To Municipal and County Government)

#### PETITIONS

The towns of Lempster, Durham and Rye respectfully petition the General Court to pass legislation to prohibit utilities, such as the Public Service Company of New Hampshire, from charging consumers higher rates for facilities not yet in service.

#### COMMITTEE APPOINTMENT

The House Minority Leader has waived the requirement that membership on the Municipal and County Government Committee be proportional, and has agreed to the appointment of Rep. Gaskill to that Committee. The provisions of House Rule 4 having thus been met, I hereby appoint Rep. Gaskill to the Municipal and County Government Committee.

George B. Roberts, Speaker

#### RESOLUTIONS

The Subcommittee on Resolutions and Screening, having approved its admittance, Reps. Chandler and Pelton offered the following:

#### RESOLUTION

##### ON THE DEATH OF L. WALDO BIGELOW

WHEREAS, L. Waldo Bigelow of Warner was elected to the House of Representatives for 10 consecutive terms, and

WHEREAS, former Representative Bigelow served with distinction as chairman of the Committee on Banks and Insurance, and

WHEREAS, Representative Bigelow was totally dedicated to his community, serving as Moderator, Selectman, Deputy Fire Chief and member of the Water Commission, now therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their condolences to the members of his family and that a copy of this resolution be prepared for presentation to his family.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Burke, Kerry O'Connor, Ziakas for the Manchester Delegation offered the following:

#### RESOLUTION

##### ON THE DEATH OF TIMOTHY K. O'CONNOR

WHEREAS, we have learned with sorrow of the death of Timothy K. O'Connor, Representative from Manchester, and

WHEREAS, Representative O'Connor served diligently as a member of the House of Representatives for four terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

The Subcommittee of Resolutions and Screening having approved its admittance, the Berlin Delegation offered the following:

#### RESOLUTION

##### ON THE DEATH OF PERCY MCCUIN

WHEREAS, we have learned with sorrow of the death of Percy McQuin, former Representative from Berlin, and

WHEREAS, Representative McQuin served diligently as a member of the House of Representatives for two terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Roberts, Nighswander, Lawton, Rose and Marshall French offered the following:

#### RESOLUTION

##### ON THE DEATH OF H. THOMAS URIE

WHEREAS, H. Thomas Urie of New Hampton was elected to the House of Representatives for seven consecutive terms, and

WHEREAS, former Representative Urie served with distinction as Chairman of the Committee on Resources, Recreation and Development and Chairman of the Belknap County Delegation, and

WHEREAS, his efforts on restoring the streams and lakes of New Hampshire to a pristine condition resulted in his being affectionately known as Mr. Clean Waters, now therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their condolences to the members of his family and that a copy of this resolution be prepared for presentation to his family.

All above resolutions unanimously adopted by a rising vote of silent prayer.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Sara Townsend offered the following:

#### HOUSE RESOLUTION NO. 3

WHEREAS, the special committee studying licensing practices of trades and occupations in New Hampshire pursuant to House Resolution 24 of the 1977 regular session; has to date gathered a copious amount of information with more to come; and

WHEREAS, this data will demand more time for appropriate processing than was authorized by House Resolution 24; now therefore, be it

RESOLVED by the House of Representatives: That the date for reporting to the Speaker of the House of Representatives be extended to December 1, 1978.

The Assistant Clerk read the resolution. Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Granger offered the following:

#### HOUSE RESOLUTION NO. 2

memorializing the United States Congress to have the United States Postal Service issue a Veterans Day stamp for the November 11, 1978, Veterans Day.

WHEREAS, since 1918, Americans have paid tribute one day each year to those who have fought to preserve our peace and our nationhood. The eleventh of November has been reestablished as the observance date for Veterans Day throughout the Nation; and

WHEREAS, by collectively honoring the men and women who have fought to preserve our freedom, we reinforce America's strength as a free Nation; and

WHEREAS, in honor of the reinstating of November the eleventh as Veterans Day, it would be fitting and proper for the U.S. Postal Service to issue a Veterans Day stamp for the 1978 observance; now, therefore, be it

RESOLVED by the House of Representatives: That the Congress of the United States be hereby urged to have the United States Postal Service issue a Veterans Day stamp for the November 11, 1978, Veterans Day; and Be It Further

RESOLVED, that a copy of these resolutions be transmitted to the President of the United States Senate, the Speaker of the U. S. House of Representatives, and to each member of the New Hampshire delegation to the Congress of the United States.

The Assistant Clerk read the resolution. Rep. Granger spoke in favor of the resolution.

Adopted.

#### COMMITTEE REPORT

HB 18, relative to state taxation of electric generating plants. Refer to Supreme Court for advisory opinion.

#### HOUSE RESOLUTION NO. 1

requesting an opinion of the justices of the supreme court on the constitutionality of House Bill No. 18.

Whereas, there is pending before the House of Representatives House Bill No. 18, An Act relative to state taxation of electric generating plants; and

Whereas, the bill imposes a state tax upon electric generating plants having a name plate generating capacity of 500,000 kilowatts or more; and

Whereas, a question has arisen as to the constitutionality of House Bill No. 18; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following question:

May the Legislature constitutionally impose a state tax, to be levied at a fraction of the state's average equalized property tax rate, upon only electric generating plants having a name plate generating capacity of 500,000 kilowatts or more?

Be It Further Resolved, That the clerk of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court along with copies of House Bill No. 18.

Rep. Quimby offered an amendment.



## Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, there is pending before the House of Representatives House Bill No. 18, An Act relative to state taxation of electric generating plants; and

Whereas, the bill imposes a state tax upon electric generating plants having a name plate generating capacity of 500,000 kilowatts or more; and

Whereas, the bill does not preempt local governments from taxation of the facilities that would be taxed by the state under the bill; and

Whereas, questions have arisen as to the constitutionality of House Bill No. 18; now, therefore, be it

Resolved by the House of Representatives: That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions:

1. May the Legislature constitutionally impose a state tax, to be levied at a fraction of the state's average equalized property tax rate, upon only electric generating plants having a name plate generating capacity of 500,000 kilowatts or more?

2. Would the imposition of such a tax upon property also taxable at the local level violate the provisions of Part II, Article 5 of the New Hampshire Constitution or any other provision of the constitution?

Be It Further Resolved, That the clerk of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court along with copies of House Bill No. 18.

Rep. Quimby explained the amendment.  
Amendment adopted.

Question being on the adoption of House Resolution No. 1 as amended.  
Adopted.

## RECESS

## HOUSE CONCURRENT RESOLUTION NO. 2

## Proposed Joint Rule Changes.

10. Strike out entire rule and substitute the following:

Final action shall be taken by the originating house on all bills and joint resolutions no later than Wednesday, April 26.

Final action on any bill amended in the non-originating house shall be taken no later than Tuesday, May 16.

12. Strike out entire rule and substitute the following:

Notwithstanding any other House or Senate rule, a request for the drafting of a bill may be received by legislative services, introduced in either house and exempted from the deadlines established by joint rules if two-thirds of the membership of the Joint Rules Committee vote in favor; provided,

however, that final action on any such bill, including action on any committee of conference report, shall be taken no later than Wednesday, May 31.

18. Eliminate entire rule. Not applicable to special session.

19. Eliminate entire rule. Not applicable to special session.

20. Eliminate entire rule. Not applicable to special session. (see Joint Rule 23)

21. Eliminate entire rule. Not applicable to special session.

22. Strike out entire rule and substitute the following:

No Joint Rule shall be suspended unless two-thirds of the members present in each house, voting separately, vote in favor thereof.

30. Strike out the entire rule and substitute the following:

Both houses shall take final action, including final action on all committee of conference reports, excluding action on enrolled bills committee reports, no later than Wednesday, May 31.

Reports of the committees of conference on any bills shall be filed with the clerks of both houses no later than 5:00 p.m. on Wednesday, May 24.

31. Strike out the entire rule and substitute the following new rule:

Neither house shall adjourn on Wednesday, May 31 until all bills and joint resolutions finally passed by both houses have been presented to the governor for his signature or veto.

32. Omit entire rule. Not applicable to special session.

33. Omit entire rule. Not applicable to special session.

Rep. Marshall French and Spirou moved to adopt the Special Session Joint Rules.  
Adopted.

JOINT CONVENTION  
(Speaker of the House presiding)

The Chair introduced the Governor.

Mr. President, Mr. Speaker, Honorable members of the Joint Convention of the General Court:

I welcome the unexpected and generous invitation to give you my reasons why I believe a further continuation of sessions of the General Court would be unnecessary and against the will of the people.

Let us recall that the Senate on October 18, 1977 adjourned the 1977 Regular Session and the Second Special Session called by Governor and Council on October 20, 1977.

That means that for practical purposes the General Court is now in its First Special Session in response to the call of the Governor and Council made on July 7, 1977.

Section 50, Part II of our Constitution authorizes the Governor, with the advice of Council, to call the General Court together "if the welfare of the state should require the same."

When I, with the advice of the Council, called this Honorable body together on July 7, 1977 it was for the purpose of acting either on a budget or a continuing operating resolution with respect to fiscal years 1978 and 1979. Governor and Council indicated that we deemed the welfare of the state required such action.

The problem of the budget which we called upon you to resolve was laid to rest by your action in passing the General Operating Budget on October 20, 1977.

Under our Constitution the Governor can not limit the purposes of a call for a Special Session.

However, there can be no mistake that the people of our state realize the reason why you were summoned back into Special Session.

What if you had passed our present budget in due course by July 1, a year ago and had adjourned.

There would then have been no need to call you into Special Session. In that case, had you wanted to come back and address the 94 bills now before you it would have been necessary for you to invoke the provisions of Part II, Article 15 of the Constitution, which authorizes the call of the General Court by two-thirds vote of its then qualified members.

Thus, were you not now in special session, I doubt that any of the matters now before you would be of such concern as to require the call of a special session.

However, you are here in special session; therefore, we should briefly examine the major concerns confronting you and our citizens.

The principal tax measures in the 94 bills now before you consist of a soda pop bill to raise \$9 million, a Seabrook Station property tax to raise \$8 million, and a capital gains bill to raise \$10 million for a total of \$27 million.

It would be nice if the state, like a family, might suddenly find itself with extra money. But such new found wealth would be created by the excruciating pain of extracting further taxes from citizens already suffering from the high cost of taxation, inflation, and increasing expense of state borrowing.

At this point in time we expect a surplus by July 1 of about \$5 million, due primarily, to an attractive tax climate that has brought us an unexpected increase in revenues, especially those generated by the business profits tax.

Of this surplus \$3.5 million has already been earmarked for water pollution projects by a footnote in the operating budget.

There is long distance between the balance of \$1.5 million anticipated surplus and the almost \$10 million in proposed appropriations now before the special session!

What are the principal matters facing the General Court today? A brief summary would suggest the following:

1. The need for a general correction bill to take care of errors made in the regular session, including an extension of the Trade Act and possibly the addition of exemptions from the new Sunset Law of the Housing Finance Agency, the Industrial Development Authority, and the Municipal Bond Bank Commission.

While these matters are of importance they will not, in my judgment, seriously affect the state or its citizens before the regular meeting of the General Court this next December.

2. Consideration of a capital budget that is now estimated to be \$46 million and would include \$17 million for the Merrimack Interchange. It would also provide for the Hooksett and Hampton Liquor stores.

In my capital budget message of March, 1977 I warned that we were obligating the future solvency of the state too rapidly and that if we continued we would jeopardize our valuable Triple A bond rating.

Actually, when we sold \$33 million of deferred obligations in February of this year we moved from the state in New England with the lowest public debt to the third lowest. Vermont and Rhode Island now have lower Public debts than do we.

The proposed capital budget is still much too high. Also, there is no solid reason why it can not be deferred until the first of the year. We believe that we can keep the Hooksett Liquor stores going and that we could delay until next January work on the Hampton store.

I understand that there are those who feel we need a capital budget now to beat the higher costs of inflation that might well exist later.

In the cruel game of inflation no one wins by escalating expenditures.

The old fashion remedy against inflation prescribed by our Founding Fathers in Article 38, Part 1 of the Constitution is still the only effective medicine against this debilitating economic disease; namely, industry and frugality.

3. The need for further substantial outlays for Laconia State School is cited as an urgent matter.

During our administration great progress has been made at Laconia. The appropriations for the school have been increased by 135 percent. Total capital outlays on the buildings have amounted to \$3.2 million. The number of patients have been reduced from 883 to 618. Next year, as we begin to reduce the escalation of our expenditures on the State Hospital we could increase further our appropriations for the school. In 1974 the operating budget was \$4.1 million. In 1978 we have raised the budget to \$8.1 million.

4. Another reason given for continuing the Special Session is the alleged threat of loss of federal funds if we do not establish the Crime Commission by legislation or take action with respect to solid and hazardous waste.

Our past experience with federal agencies has taught us that as long as the General Court is in session the feds demand immediate action. But if you are not in session they can and will await your deliberation at the next regular session.

Experience has also demonstrated to us that if we precipitously rush over the vale in answer to every federal yodel we invariably enact faculty legislation.

I know of no problem that we currently face with the federal government that cannot safely await the return of the Legislature next December. This includes the area of funding for handicapped programs as well.

5. The Legislature was aware of the handicap problem all through the 1977 regular session. Each Committee of Conference on the operating budget dealt with the problem. The Legislature at various times appropriated anywhere from zero dollars in the first year to \$1,787,624, and in the second year appropriated anywhere from \$497 thousand to \$4 million to address this problem. Therefore it is not a new problem. It is one that you have repeatedly considered.

In the budget act finally passed, you appropriated \$496,125 in fiscal 1978 and \$1,135,875 in fiscal 1979 for the handicapped. The federal law takes effect in September of this year.

The major areas still in dispute are how many students will actually qualify for the program and how the costs should be divided between local and state governments.

When we set up a formula such as foundation aid we are setting forth goals. The actual amount expended comes from the legislative appropriation. In this case, you've already made a determination about what level of funding you saw fit to put into this program.

I believe that we should wait and see how the program you have enacted works. We will then have a more realistic estimate of the exact census of students involved and then we can deal with this problem in the unemotional atmosphere of a regular session where it can be studied in depth by the appropriate committees.

6. The need for a wine bill at this time has not been established, in my judgment.

There has been a great deal of debate between proponents of the Liquor Commission, their commission salesmen and the beer wholesalers about whether wine should be sold in our grocery stores, and if so, under what circumstances.

This is a serious issue that was debated at great length by both branches in the regular session. There have been attempts at compromise which repeatedly have been stalemated. I feel strongly that this issue should wait until it can be studied in depth in the orderly process of a regular session.

I would have to oppose any legislation on this subject unless it protected the free enterprise system without jeopardizing our current liquor resources. It does not appear that this goal can be accomplished in a brief special session.

7. It is important that we be honest with ourselves about Seabrook.

The plain facts as I have gathered them to the best of my ability, convince me that if the Public Service Company is not given a chance to obtain from the Public Utilities Commission a construction work in progress rate base that is ultimately approved by our Supreme Court, the Company will be unable to sell the bonds necessary to go forward with Seabrook Station.

If we do not find a way to finance that construction, it will be necessary to close down the entire project. Two thousand workmen will lose their jobs within a few weeks. There will be disastrous multiple economic spinoff effect on our economy.

Should the Seabrook Plant not be on line and producing by 1984, we will face massive brown outs. If it is not on line by 1986, we will face the stark reality of blackouts with their attendant crippling economic effects. The failure to approve the construction work in progress plan will signal a stop to the flow of high paying jobs to New Hampshire.

Although I realize that in presenting my views here today I probably am in disagreement with some of you, I nevertheless want to express grateful appreciation for the courtesy shown the Governor by your invitation to attend this Joint Convention with you.

May I suggest that there are times when we serve best by serving not at all. The question of continuing the special session is an instance in point.

I am convinced that our people have had enough of costly state government. With few exceptions they would approve your bringing this session to an expeditious conclusion.

Finally, your leaders have raised the smokescreen of executive interference in the legislative prerogative. They know, as each of you do, that every Governor has seen fit to convey to the Legislature his viewpoint on important issues facing the people of New Hampshire.

As Chief Executive, I have a responsibility to speak out on the issues facing our State. I shall continue to do so. It is my strong opinion that there is no issue facing this legislative body that cannot be completed today.

Should you remain in full blown session our citizens would surely endorse the sentiment expressed by the drafters of the proclamation advising of the adoption of our first Constitution; namely, "God Save The People". Moreover, their memories would easily stretch from here to November.

Sens. Jacobson, Downing and Saggiotes and Reps. Roberts, Marshall French and Spirou offered the following:



## RESOLUTION BY THE JOINT CONVENTION

WHEREAS, the General Court has been called into Special Session by action of the Governor and Council in accordance with Pt. 2 Art. 50 of the N.H. Constitution for "the welfare of the state"; and

WHEREAS, there are pending before the Special Session several bills affecting the state's eligibility for federal funds, the tax burden of state and federally-mandated programs on the towns and cities of New Hampshire and senior citizens, consumers, businessmen and homeowners, across the state; and

WHEREAS, the failure of the General Court to take action on these and other urgent public issues could jeopardize \$23 million in federal education and crime prevention funds, \$80 million in construction funds for new housing in New Hampshire and \$10 million in pension funds; and

WHEREAS, there is now pending in the federal courts an action against the Laconia State School, the resolution of which could cost the taxpayers of New Hampshire additional millions of dollars if legislative action is not forthcoming; and

Now Therefore Be It Resolved that it is the opinion of the Senate and House, in joint convention assembled, that these and other matters of great urgency to citizens and taxpayers from all walks of life, and particularly to our retarded and handicapped citizens, should be addressed before January of 1979.

The Assistant Clerk read the resolution in full.

Sen. Jacobson spoke in favor of the resolution and yielded to questions.

(Sen. Jacobson in the chair)

Rep. Roberts spoke in favor of the resolution and yielded to questions.

Sen. Blaisdell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested by Rep. Marshall French. Sufficiently seconded.

YEAS 263 NAYS 42

YEAS 263

Sens. Jacobson, Preston, Smith, Saggiotes, Blaisdell, Keeney, Hancock, Fennelly, Downing and Foley.

Reps. Milton Cate, Joseph Cote, Maynard, Aeschliman, Greene, Scranton, Vlack, Valley, George Lemire, Gabrielle Gagnon, Bosse, Corser, Kane, Joseph MacDonald, Hess, Niebling, Parr, Wallin, Head, Copenhagen, Tarr, Donnelly, Bellerose, Belhumeur, Whipple, Raymond Conley, Spirou, Chambers, Plourde, Krasker, Hildreth, Cullity, Lamy, John Winn, Fortier, Beard, McGlynn, Cotton, Connors, Neila Woodward, Crory, Felch, Catherine-Ann Day, Meader, Willey, Rogers, Mark Connolly, Taffe, Huggins, Webster, Gibbons, Mansfield, Morrisette, Dupont, Mabel Richardson, Barrus, Laycock, Gaskill, Martel, Ahern, Ruel, Campbell, Collins, Donald Smith, Kaklamanos, Ganley, Russell,

Proctor, Mullin, Dostilio, Oleson, Carswell, Galloway, Levesque, Kashulines, Dunfee, Splaine, Kenneth MacDonald, Gary Dionne, M. Arnold Wight, William Boucher, Robert Day, Alcide Valliere, Dianne Herchek, Kenneth Randall, McNichol, Parolise, Stimmell, Lyons, Griffin, Benton, Ingram, Tavitian, Lyborn, Sytek, Morin, Baker, Skinner, Bowler, Waters, Horton, McAvoy, Knight, McLaughlin, Record, Ward, Eugene Daniell, Gamache, Cornelius, Wiswell, Ralph, Torrey, Nardi, Coburn, Stahl, Rice, Matson, Palmer, Found, Barrett, Tripp, Ayles, St. George, Parker, Robert Wheeler, Allen Wilson, York, Joncas, Maloomian, Zabarsky, Margaret Ramsay, Shirley White, Crotty, Schreiber, Girolimon, Donna McEachern, Stomberg, Fillback, McDonough, Dearborn, Glyneta Thomson, Joseph McEachern, Aubut, Pardy, Drewniak, Brodeur, James Herchek, Kidder, Kerry O'Connor, Keough, Taylor, Burke, Foley, Podles, Wojnowski, Joos, Arline Dion, Pappas, Pucci, Pelletier, Burchell, Paul Riley, Lovejoy, Tucker, Gemmill, Spaulding, Richard Hanson, Krause, Lucas, Chapman, Carl Gage, Neil McIver, Wiviott, Sara Townsend, Ladd, Marcoux, Bibbo, Nadeau, Van Loan, Planagan, Wilfrid Boisvert, L. Penny Dion, Peters, Wallace, Lessard, Nancy Gagnon, Sackett, Orcutt, Howard, Helen Wilson, Packard, Edward Smith, Kenneth Smith, Heald, Burrows, Akerman, Cooney, O'Keefe, Albert Bellemore, Logan, Theriault, Bradley Haynes, Marshala, Callahan, Dickinson, Poulin, Daniel Eaton, Morrison, Plomaritis, Sanders, Stylianos, Desnoyer, Trachy, Kevin Sullivan, Emile Boisvert, Alfreda Smith, LaFleur, Rich, Hoar, Soucy, Hunt, Hebert, Francis Sullivan, Beverly Gage, Rounds, Cunningham, Close, Marshall French, Arthur Perkins, Hartford, Appleby, Vrakatitsis, Chagnon, LaMott, Richards, Donna MacIvor, Gerald Smith, Simard, Pelton, Ernest Valliere, Nemzoff-Berman, Quimby, Kincaid, Dennis Ramsey, Leonard Smith, O'Neil, King, Madigan, Clyde Eaton, Karnis, John Cate and Burns.

NAYS 42

Reps. Mazur, Marsh, Schwaner, Lewko, Lawton, Doris Thompson, Snell, Belanger, George Cate, George Wiggins, Myrl Eaton, Clark, Shepard, Danforth, James Murray, Joseph Eaton, Henry Richardson, Polak, Laurent Boucher, Stockman, Coughlin, Walter Desmarais, Miller, Emma Wheeler, Goff, Norton, Grasso, Harold Thomson, Roderick Allen, Keller, Ira Allen, Canney, Anthony Randall, Davis, Paradis, D'Amante, Erler, Towle, Elmer Johnson, Scamman, Chandler, Granger and Osgood, and the resolution was adopted.

Rep. Ayles notified the Clerk he inadvertently voted yea and meant to vote nay.

Sens. Downing and Foley and Reps. Marshall French and Spirou moved that the Joint Convention adjourn.

Adopted.



## HOUSE

(Speaker in the chair)

## COMMITTEE REPORTS

HB 2, relative to mileage payments to legislators while on other legislative business and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The appropriation section is not necessary because sufficient funds are available in the current operating budget.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to mileage payments to legislators while on other legislative business.

Amend the bill by striking out section 2 and renumbering the existing section 3 to read as 2

Amendment adopted.

Rep. Tucker yielded to questions.

Rep. Roderick Allen offered an amendment and spoke to his amendment.

Reps. Marshall French, Eugene Daniell, Dearborn and Spirou spoke against the amendment.

Rep. Allen withdrew his amendment.

Ordered to third reading.

HB 14, making appropriations for capital improvements in the Winnepesaukee river basin pollution control program. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The amendment provides that any remaining appropriation shall lapse after certification by the Water Supply and Pollution Control Commission that the project has been completed.

## Amendment

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Prior Appropriations. All balances remaining from prior appropriations from capital improvements in the Winnepesaukee river basin pollution control program shall not lapse or be transferred or used for any other purposes. Any unexpended portions shall be added to the appropriation of the commission in any succeeding fiscal year to be used for the purposes contained herein. Any sums remaining from the appropriation in section 1 or previous appropriations for the Winnepesaukee river basin program shall lapse upon certification of completion of the project by the water supply and pollution control commission.

Amendment adopted.

Ordered to third reading.

HB 22, making appropriations for capital improvements. Ought to Pass with Amendment. Rep. Fortier for Public Works.

Bill is self-explanatory.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

§ 1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

## I. Adjutant General

A. Intrusion detection system \$ 60,912

Less federal 45,684

Net appropriation \$15,228

B. Manchester armory -  
boiler repair

3,780

Total paragraph I

\$19,008

## II. Administration and Control

A. Test wells for state office complex on Concord Heights	16,200
B. Demolition of 2 wooden buildings on South street	61,560
C. Purchase and property warehouse repairs	10,800
D. White farm barn - floor replacements	<u>24,840</u>

Total paragraph II

\$113,400

## III. Aeronautics Commission

## A. Keene, Dillant-Hopkins airport

(1) Reconstruct runway 2-20	285,000
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Less federal	<u>228,000</u>
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Net appropriation paragraph (1)	<u>57,000</u>
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(2) Reconstruct taxiways	160,000
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Less federal	<u>128,000</u>
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Net appropriation paragraph (2)	<u>32,000</u>
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Net appropriation paragraph A	89,000
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## B. Lebanon regional airport

(1) Reconstruct runway 18-36	360,000
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Less federal	<u>288,000</u>
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Net appropriation paragraph (1)	<u>72,000</u>
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(2) Slurry seal runway 7-25	140,000	
Less federal	<u>112,000</u>	
Net appropriation paragraph (2)	<u>28,000</u>	
Net appropriation paragraph B		100,000
C. Manchester municipal airport		
(1) Slurry seal runway 17-35	150,000	
Less federal	<u>120,000</u>	
Net appropriation paragraph (1)	<u>30,000</u>	
(2) Construct taxiway parallel to runway 6-24	150,000	
Less federal	<u>120,000</u>	
Net appropriation paragraph (2)	<u>30,000</u>	
Net appropriation paragraph C		60,000
D. Rochester, Skyhaven airport		
(1) Slurry seal runway and taxiway	52,000	
Less federal	<u>41,600</u>	
Net appropriation paragraph D		10,400
E. Concord municipal airport - approach lighting for runway 35		
	40,000	
Less federal	<u>32,000</u>	
Net appropriation paragraph E		<u>8,000</u>
Total paragraph III		267,400



## IV. Education

## A. N.H. technical institute

(1) Electronics equipment	82,632
(2) Snow removal equipment	25,000
(3) Mechanical and architectural equipment	65,880
(4) Electronic and mechanical equipment	<u>54,026</u>

Total paragraph A 227,538

## B. Laconia voc-tech college

(1) New classrooms and laboratory	1,228,160
(2) Secretarial laboratory equipment	10,560
(3) Electronics laboratory equipment	16,500
(4) Graphic arts equipment	112,500
(5) Fire protection instruc- tional equipment	<u>17,500</u>

Total paragraph B 1,385,220

## C. Manchester voc-tech college

(1) Automotive equipment	29,750
(2) Metallurgy material equipment	21,320
(3) Classroom and labora- tory building	2,660,000
(4) Construction of a metal/ storage facility (Force account)	25,000
(5) Maintenance equipment	<u>9,750</u>

Total paragraph C 2,745,820

## D. Nashua voc-tech college

(1) Electric-electronics equipment	28,950
(2) Machine tool equipment	<u>71,100</u>

Total paragraph D	100,050
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## E. Portsmouth voc-tech college

(1) Automotive equipment	68,066
(2) Land acquisition and engineering	150,000
(3) Electronic equipment	37,175
(4) Secretarial service equipment	<u>5,225</u>

Total paragraph E	<u>260,466</u>
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Total paragraph IV	4,719,094
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## V. Health and Welfare

## A. Glenclyff

(1) Elevator replacement	33,480
(2) Turbine replacement	49,140
(3) Reshingle Brown building	<u>15,660</u>

Total paragraph A	98,280
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## B. New Hampshire hospital

(1) Boiler replacement	432,000
(2) Food storage freezer	11,600
(3) Rotary baking oven replacement	17,280
(4) Philbrook drive	17,280
(5) Library - North wing Walker building	<u>11,000</u>

Total paragraph B	489,160
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## C. Laconia state school

(1) Alterations and equipment for Rice and Speare buildings (Force account)	10,800
(2) Renovate outside wiring and fire alarm	44,496
(3) Replace steamlines - Dwinell and Murphy	41,472
(4) Replace washer-extractor	37,800
(5) Replace heating in Rice	32,400
(6) Meredith Center road bypass	432,000 *

Total paragraph C	<u>598,968</u>
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Total paragraph V

1,186,408

\* To be amortized with highway funds.

## VI. N.H. Youth Development Center

A. Floor and ceiling replacement in main kitchen	12,960
B. Repairs to swimming pool complex	54,000
C. Residential center for girls - purchase, renovation and equipment	135,000
D. Replacement of underground steam lines	141,480
E. Renovate heating in chapel	<u>32,400</u>

Total paragraph VI

375,840

## VII. Port Authority

A. Site improvement - grading and paving of parking area near the Barker wharf, Barker wharf repairs and removal of old piles	90,000 *
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Total Paragraph VII

90,000

\*This appropriation shall not be transferred or used for any other purpose and shall lapse June 30, 1979. The port authority, with the approval of the governor and council, may accept gravel/fill from the Army Corps of Engineers dredge project on the Piscataqua river for use in the Barker wharf area only. No gravel/fill shall be accepted for use in any area inland of the Maine-N. H. interstate bridge nor shall any gravel/fill be accepted unless it is determined that no toxic material is present in said gravel/fill.

## VIII. Resources and Economic Development

A. Office of commissioner -  
land acquisition

(1) Miscellaneous land purchases to include but not limited to Appalachian Trail	200,000
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Less federal	100,000
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Net appropriation	100,000
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(2) Pawtuckaway state park	38,000
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Less federal	19,000
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Net appropriation	19,000
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(3) Wentworth-Coolidge state historical site	19,800
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Less federal	9,900
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Net appropriation	9,900
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(4) Administrative costs for land acquisition - appraisals, title work, surveys and taxes	35,000
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Total paragraph A

163,900



## B. Parks and recreation

(1) Echo lake state park	20,000
Less federal	<u>10,000</u>
Net appropriation paragraph (1)	<u>10,000</u>
(2) Franconia Notch state park	40,000
Less federal	<u>20,000</u>
Net appropriation paragraph (2)	<u>20,000</u>
(3) Berlin wayside and recreation area	<u>20,000</u>
(4) Baker river site #7	35,000
Less federal	<u>7,500</u>
Net appropriation paragraph (4)	<u>27,500</u>
(5) Fort constitution	50,000
(6) Hampton beach bath houses	50,000
(7) Wentworth - Coolidge mansion - Fire and burglary protection system	<u>25,000</u>

Net appropriation paragraph B 202,500

C. Print shop - purchase printing and binding equipment 56,000

Total paragraph VIII

422,400

## IX. State Prison

A. Life and fire safety	54,000
B. Equipment for prison industries	21,000
C. Command post	17,280
D. Security screens	37,800
E. Vocational training shops	284,080
F. Halfway house - purchase, renovation and equipment	74,520
G. Laundry rehabilitation and equipment	37,800
H. Exercise yard	12,960
I. Wall repairs	54,000
J. Farm Expansion	270,000
K. Boiler - Shea farm	21,600
L. North yard recreational development	21,600
M. Purchase and installation of (1) Walk-in refrigerator and (1) Walk-in freezer	<u>17,280</u>

Total paragraph IX

923,920

## X. Department of Safety

A. Garage facility - construction and equipment	280,800
B. Two Safety sub-stations and state police barracks in the areas of Cheshire and Sullivan counties and Moultonborough	<u>561,600</u>

Total paragraph X

842,400\*

\* To be amortized with highway funds.

## XI. N.H. Water Resources Board

A. Baker river watershed site 7	3,427,000	
Less federal	2,435,500	
Less local	<u>553,961</u>	
Net appropriation paragraph A		437,539
B. Sugar river watershed site D-2	1,622,000	
Less federal	<u>1,500,000</u>	
Net appropriation paragraph B		122,000
C. Souhegan river watershed site 19	1,506,000	
Less federal	<u>1,500,000</u>	
Net appropriation paragraph C		<u>6,000</u>

Total paragraph XI 565,539\*

\* Notwithstanding the provisions of section 11, II and section 12, II of this act, revenues in excess of the estimate may be expended on public law 566 projects, with the approval of governor and council.

XII. Public Works and Highways -	
A. Reconstruction of Hazen Drive	650,000
B. Traffic Division Service Building	<u>500,000</u>
Total paragraph XII	<u>1,150,000</u>

\* To be amortized with highway funds

Total state appropriation section 1 \$10,675,409

2 Appropriation, University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the university of New Hampshire:

I. University system all campuses

A. Life safety code and handicapped study	\$140,000
B. Land acquisition	<u>110,000 *</u>

Total paragraph I	\$250,000
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\*No purchase of land may be made by the state university system except for those parcels of land that are within the external boundary or perimeter of the existing, applicable state university system campus, that is so called "in holdings".

II. Durham campus

A. Implementation of energy study	1,483,920
B. Planning for modifications to athletic facilities to comply with Title IX	<u>35,000</u>

Total paragraph II	1,518,920
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III. Plymouth campus

A. Renovation of Rounds hall	807,840
B Dining hall expansion	<u>304,560*</u>

Total paragraph III	1,112,400
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\* 30 year bonds to be self-amortizing in accordance with RSA 187:10-a.

IV. New Hampshire Network

A. Purchase and installation of a microwave repeater and other electronic equipment and instruments	22,000
B. Purchase and installation of a security fence	3,000



C. Construction of a concrete block building (approx- imately 10' x 10')	4,000
D. Repaint tower	<u>700</u>
Total paragraph IV	<u>29,700</u>

Total state appropriation section 2 2,911,020

3 Appropriation for the restructuring of the Hooksett liquor stores.

I. Construction of Liquor Stores. The liquor commission is hereby authorized and directed to purchase sites and construct 2 liquor stores, one adjacent to the northbound lane and one adjacent to the southbound lane north of the Hooksett toll station on the F. E. Everett Turnpike. The stores are each to be approximately 8,000 square feet in size.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the stores provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

IV. Removal of Temporary Stores. The 2 temporary stores constructed under the provisions of Laws of 1975, 504, VIII shall remain in operation until the stores authorized in paragraph I of this section are opened. Upon discontinuance of said temporary stores, all reusable equipment within the buildings shall be removed by the liquor commission for use in other locations. Remaining usable parts of the two buildings shall become the property of the department of public works and highways for removal and utilization.

V. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this act the sum of \$1,500,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the provisions of paragraph I of this section.

VI. Rest Area-Information Center Authorized. The commissioner of the department of public works and highways is authorized and directed to develop plans and award contracts as necessary to establish northbound and southbound restroom and information centers at the location of and in close proximity to the two new liquor stores proposed to be constructed on the F. E. Everett Turnpike approximately 1 mile north of the Hooksett toll booths. The commissioner is further authorized to utilize available balances from the appropriations provided under RSA 256-C:6 for improvements to the Central N.H. Turnpike and for these projects is exempted from the provisions of RSA 228:4 relative to the employment of independent registered professional engineers or consultants.

4 Hampton Liquor Store.

I. Construction of Liquor Store. The liquor commission is hereby authorized to construct and equip one liquor store adjacent to the southbound lane, south of the Hampton toll station, on the Eastern New Hampshire Turnpike - Blue Star Highway. This store is to be approximately 8,000 square feet.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the store provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

IV. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this section the sum of \$1,080,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the provisions of section 1 of this act.

5 Expenditures, General. The appropriation made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects, shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor shall be awarded in accordance with RSA 228.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, V and 4, IV of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$16,166,429 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3 and 4 shall be made when due from the general funds of the state; provided, however, that the payment of principal and interest on bonds issued for the project in section 1, paragraph V, C, (6), and the projects in section 1, paragraphs X and XII shall be made from the highway fund.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

10 Transfers. The individual project appropriations, as provided in sections 1, 2, 3 and 4 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

11 Reduction of Appropriations and Bonding Authority.

I. If the net appropriation of state funds for any project provided for by sections 1, 2, 3 and 4 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

II. If any federal, local or other funds, not anticipated, become available for any project provided for in sections 1, 2, 3 and 4 they are hereby appropriated and the net appropriation of state funds and the amount of bonding authorized by section 8 shall be reduced by an amount equal to the federal, local or other funds available.

12 Powers of Governor and Council. The governor and council are hereby authorized and empowered:



I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3 and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

13 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in section 2 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may,

in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

14 Appropriation Extended. The appropriation made to the New Hampshire water resources board by 1971, 559:1,X; 1973, 417:2; 1974, 38:1, XII, and 1974, 38:13 for the specified capital expenditures shall be available for expenditure until June 30, 1980.

15 Amending the 1975 Capital Budget. Appropriation for Water Resources Board. Amend 1975, 504:1, XII (a) by striking out said subparagraph and inserting in place thereof the following:

(a) Dam engineering and reconstruction		
(1) Suncook lake	\$71,450	
(2) Bow lake	12,900	
(3) Great pond	<u>35,100</u>	
Total Subparagraph (a)		\$119,450 *

\*This appropriation shall not lapse until June 30, 1980.

II. Concord Store Addition Repealed. Laws of 1975, 504:1, VIII (c), relative to the Concord store addition, is hereby repealed.

III. Change of Bond Authorization. Amend 1975 504:7 as amended by 1976, 37:2 and 53:4 by striking out said section and inserting in place thereof the following:

504:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$28,000,566 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph IX, (d), (e) and (f), subparagraph X, (d)-(7), (8) and (10), paragraph XVI, and section 3 (furnishings and equipment) of this act shall have a maturity date of 5 years from date of issue; the project detailed in subparagraph VIII, (a) shall be financed by a 4 year note; and the bonds issued for the purposes of section 3 (construction) of this act shall have a maturity date of 30 years from the date of issue.

16 Project Description Changed. Amend 1976, 55:4, III by striking out said paragraph and inserting in place thereof the following:

III. Pleasant View Home

Furnishings	\$400,000
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Fire and security protection and other necessary renovations or repairs, including architects and engineering fees	370,000
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17 Appropriations Extended.

I. Amend 1971, 359:1, VII, (1), (b) as amended by 1974, 38:16, II by striking out said subparagraph and inserting in place thereof the following:

(b) Berlin wayside and recreation area	\$15,000*
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\* This appropriation shall not lapse until June 30, 1979..

II. Amend 1975, 504:1, X, (d), (5) by striking out said subparagraph and inserting in place thereof the following:

(5) Berlin wayside and recreation area	\$35,000*
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\* This appropriation shall not lapse until June 30, 1979.



18 Exemption for Contract of Certain Departments. Amend RSA 228:4, I-a (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I-a. Notwithstanding the provisions of paragraph I, projects for the fish and game department, the department of resources and economic development and the water resources board in excess of \$10,000 and not more than \$100,000, may be done on a force account basis upon recommendation of the commissioner of the department of public works and highways that such procedure is in the best interest of the state and with the approval of the governor and council.

19 Certain Appropriations Extended. Amend 1977, 600 by applying the provisions of footnote F, in section 1.08 of said chapter, to the following additional line item appropriations:

1.01, 04, 03, 02, 01, 97

1.01, 04, 03, 02, 03, 97

1.02, 02, 01, 01, 97

1.02, 22, 03, 97

1.05, 03, 04, 03, 90

1.06, 03, 13, 01, 97

1.06, 03, 13, 03, 97

1.06, 03, 14, 01, 97

1.06, 03, 15, 01, 97

1.06, 03, 16, 01, 97

1.06, 03, 17, 01, 97

1.06, 03, 18, 01, 97

20 Certain C.D.P. Appropriation Extended and Modified. Amend 1977, 600 by striking out the line item P.A.U. number 1.01, 05, 02, 00, 00, 93 and the subsequent total and inserting in place thereof the following:

93 Site preparation F*	55,000	74,218
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Total	1,715,599	1,655,186
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Estimated source of funds for  
data processing operation:

General fund	1,715,599	1,655,186
Total	1,715,599	1,655,186

\* The funds in this class may be used to move centralized data processing from its present location to its new location.

21 Appropriation Increased. Amend 1977, 258:2 by striking out said section and inserting in place thereof the following:

258:2 Appropriation. The sum of \$300,000 is hereby appropriated to the department of public works and highways for the purposes stated in section 1 of this act. The appropriation shall be a charge on the highway fund.

22 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Referred to Appropriations.

HB 15, extending the lapse date on capital improvements for the Hayes building. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The amendment provides for the design and engineering costs to renovate the Department of Safety motor vehicle plate storage room to additional office space.

Rep. LaMott moved that HB 15 be recommitted to the House Appropriations Committee.

Adopted.

HB 21, reimbursing John A. King for legal expenses in regard to the Board of Probation v. John A. King. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This was amended to read "a sum not to exceed \$70,000" because testimony was given that the total debt would be less than \$70,000.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. A sum not to exceed \$70,000 is hereby appropriated to John A. King of Contoocook to reimburse him for legal fees at the rate of \$50 per hour and other legal expenses related to the matter of Board of Probation v. John A. King. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 30, prohibiting public officials from committing certain acts. Inexpedient to Legislate. Rep. Benton for Claims, Military and Veterans Affairs.

The bill is vague and ambiguous; enactment could only lead to an untold number of debates, confrontations and rhubarbs as to what constitutes a "religious holiday", insofar as participation by public officials is concerned. The vote in Committee was 9 - 3.

Resolution adopted.

HB 16, amending the statute on the program of special education and making an appropriation therefor. Ought to Pass with Amendment. Rep. Gemmill for Education.

This bill will specify the responsibilities of state and local districts to handicapped children and avoid the possibility that some or all of New Hampshire's school districts could lose up to \$21 million in federal funds to education for not complying with PL 94:142, which goes into effect on September 1, 1978. Committee vote 14 - 0.

Rep. Krasker explained the committee report and yielded to questions.

Reps. Catherine-Ann Day, William Boucher and Eugene Daniell spoke in favor of the committee report.

Amendment

Amend RSA 186-A:6 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-A:6 --Education Required. Every child determined by the local school district as being handicapped in accordance with standards set by the department of education and in need of special education and educationally related services shall attend an approved school or program. Such child shall receive instruction until such time as the child has acquired education equivalent to a high school education or has attained the age of 21 years.

Amend RSA 186-A:8, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. The liability of the school district

(a) for tuition and

(b) for costs of transporting the handicapped outside the district and

(c) for costs of rooming and boarding the handicapped outside the district shall be limited to twice the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils, and except capital outlay and debt obligations.

The state board shall be responsible for such costs which exceed twice the state average costs per pupil.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Funds Application. Notwithstanding any other provision of law to the contrary, the local school districts are specifically authorized to apply for and expend such state aid to which they are entitled in accordance with the provisions of this act without authorization by a school district meeting.

9 Effective Date. This act shall take effect July 1, 1978.

Amendment adopted.

Rep. Gemmill requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 271 NAYS 6

YEAS 271

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Lawton, Mansfield, Morin, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Parker, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Myrl Eaton, Gemmill, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe and Ward.

HILLSBOROUGH: Ahern, Aubut, Baker, Belanger, Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Carswell, Chagnon, Coburn, Mark Connolly, Corser, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dupont, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Kaklamanos, Karnis, Knight, LaFleur, Lamy, Levesque, Lyons, Madigan, Martel, McGlynn, McLaughlin, Miller, Morrison, Nardi, Nemzoff-Berman, Kerry O'Connor, O'Neil, Pappas, Pelletier, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, St. George, Simard, Soucy, Spirow, Stahl, Stylianos, Kevin Sullivan, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White, M. Arnold Wight, and John Winn.

MERRIMACK: Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Kidder, McNichol, Mullin, Packard, Pelton, Pardy, Arthur Perkins, Plourde, Ralph, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, William Boucher, Campbell, Chapman, Collins, Connors, Cotton, Cunningham, Danforth, Robert Day, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Hebert, James Herchek, Joncas, Joos, Kincaid, Maloomian, McManus, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 6

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Glyneta Thomson.

HILLSBOROUGH: Joseph Cote, Paradis and Emma Wheeler.

MERRIMACK: Ayles and Milton Cate.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None.

Referred to Appropriations.

Rep. Lessard wished to be recorded in favor of HB 16.

HB 20, concerning the responsibility and the means for financing education for handicapped children. Inexpedient to Legislate. Rep. Gemmill for Education.

While the intent of the educational part of this bill is laudable, the Committee believes that HB 16 more effectively prepares the State for the September 1 federal deadline. Vote was 13 - 1.

Resolution adopted.

HB 46, relative to the improvement of services to the mentally retarded and making an appropriation therefor. Ought to Pass with Amendment. Rep. Spaulding for Health and Welfare.

The appropriation contained in this bill will permit the programs for developmentally disabled persons established by RSA 171-A to be put into effect.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to improve services to the mentally retarded.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. The purpose of this chapter is to improve the care and treatment of the residents of Laconia state school by alleviating deficiencies in intermediate care facilities, meeting life safety codes in all buildings, and by establishing a community-based service system for residents in need of less restrictive care. The appropriations requested are to enable the division of mental health to implement provisions of RSA 171-A, services to the developmentally disabled, and RSA 126-A, office of mental retardation.



2 Appropriation. In addition to any other sums appropriated to the department of health and welfare, the sums hereinafter detailed are hereby appropriated to be paid out of the treasury of the state for the division of mental health for fiscal year ending June 30, 1979.

I. Division of Mental Health  
Administration of Program

10 Permanent personnel services	\$ 61,603
20 Current Expenses	3,000
30 Equipment	3,936
60 Benefits	9,240
70 In-state travel	3,200
80 Out-of-state travel	900
90 Contracted services	884,295
	<u>\$966,790</u>

Laconia State School

10 Permanent personnel services	107,078
60 Benefits	16,062
90 Renovations	535,140
	<u>\$658,280</u>

Total paragraph I \$1,625,070

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

This bill allows 13 State Liquor Stores to be open at the direction of the Liquor Commissioner. Easter was added as an exempted day along with Christmas, July 4th and January 1st.

Amendment

Amend RSA 177:2-c as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

177:2-c Sunday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that no more than 13 stores may be open for business on any Sunday except January first, July fourth, Christmas day or Easter, whenever such days fall on a Sunday. Each employee shall be compensated 1-1/2 times his regular rate of pay for the actual number of hours worked. Employees may be assigned by the liquor commission and deployed to any store operating on a Sunday schedule. No store shall open for business on a Sunday prior to 1:00 p.m. and shall be closed by 8:00 p.m.

Amendment adopted.

Rep. Sanborn moved that HB 7 be indefinitely postponed, spoke to his motion and yielded to questions.

Reps. Lawton, LaMott and Cunningham spoke against the motion.

A roll call was requested. Sufficiently seconded.

Rep. Nardi abstained from voting under Rule 16.

(Speaker presiding)

YEAS 117 NAYS 171

YEAS 117

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Found and Towle.

CHESHIRE: Fillback, Galloway, Elmer Johnson, Ladd, Matson, Proctor, Russell and Vrakatitsis.

COOS: Keough, Oleson, Theriault, Willey and Neila Woodward.

CRAFTON: Copenhagen, Cornelius, Crory, Myrl Eaton, Logan, Neil McIver, Taffe and Taylor.

HILLSBOROUGH: Ahern, Albert Bellemore, Bosse, Carswell, Mark Connolly, Corser, Joseph Cote, Catherine-Ann Day, Arline Dion, Kaklamanos, Lemire, Levesque, Madigan, Martel, McGlynn, Nemzoff-Berman, Pappas, Peters, Podles, Simard, Leonard Smith, Spirou, St. George, Stahl, Harold Thomson, Wallace, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Eugene Daniell, Foley, Hess, Kidder, McNichol, Pardy, Pelton, Ralph, Rich, Shepard and Ernest Valliere.

ROCKINGHAM: Blanchette, Campbell, Collins, Cotton, Danforth, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Greene, Griffin, Hartford, Kashulines, Krasker, Laycock, Lovejoy, Niebling, Norton, Parolise, Pucci, Anthony Randall, Rogers, Sanborn, Skinner and Wojnowski.

STRAFFORD: Burchell, Dianne Herchek, James Herchek, Joos, Kincaid, McManus, Meader, Morrisette, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp and Valley.

SULLIVAN: Barrus and Spaulding.

NAYS 171

BELKNAP: Marshall French, Lawton, Morin, James Murray and Sanders.

CARROLL: Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Daniel Eaton, Krause, Marshala, Parker, Margaret Ramsay, Scranton and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Poulin, Mabel Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Gemmill, LaMott, McAvoy, Pepitone, Rounds, Snell, Stomberg and Ward.

HILLSBOROUGH: Aubut, Baker, Belanger, Emile Boisvert, Wilfrid Boisvert, Burke, Chagnon, Coburn, Margaret Cote, Coughlin, Cullity, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Karnis, Knight, LaFleur, Lamy, Armand Lemire, Lyons, McLaughlin, Miller, Morrison, Kerry O'Connor, O'Neil, Paradis, Pelletier, Plomaritis, Polak, Record, Henry Richardson, Paul Riley, Edward Smith, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallin, Geraldine Watson, Robert Wheeler, James J. White and John Winn.

MERRIMACK: Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Gamache, James Humphrey, Donna MacIvor, Mullin, Packard, Arthur Perkins, Plourde, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, William Boucher, Chapman, Connors, Cunningham, Davis, Robert Day, Felch, Gibbons, Hoar, Jones, Kane, King, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, O'Keefe, Parr, Quimby, Richards, Scamman, Schwaner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Webster, Helen Wilson and Zabarsky.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Maloomian, Nadeau, Osgood, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the committee report.  
Adopted.

Referred to Appropriations.

HB 34, authorizing certain stores to sell table wine. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

This bill allows the sale of wine in grocery stores with the State Liquor Commission as wholesaler. The bill limits the number of licenses to 6 for the sale of wine to any person, partnership, or corporation. The amendment leaves the number of off-sale permits for the sale of malt beverages at 2.

#### Amendment

Amend RSA 178-A:8 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

178-A:8 Expiration of Licenses. All licenses, certificates and permits issued pursuant to this chapter shall expire May 31 following the date of issuance thereof. Said licenses, certificates and permits shall be renewed by the commission annually

unless the commission finds, after notice and hearing, that the renewal thereof would be against the public interest.

Amend RSA 178-A:13 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

178-A:13 Combination License. The commission may issue to any applicant for a retail wine license who also applies for an off-sale permit pursuant to RSA 181:5 for the same premises, a combination retail wine and beverage license and shall charge the fee specified in this chapter provided that such applicant otherwise qualifies for a retail wine license and an off-sale permit provided that the resulting total of beverage licenses or retail wine licenses held by any one person shall not exceed 6.

Amend the bill by striking out section 3 of same and renumbering sections 4 and 5 to read as follows:

3 and 4 respectively.

Rep. Cunningham informed the House of a typographical error in the amendment. The combination licenses described in 178-A:13 to be held by any one person should be 2 and not 6.

Amendment adopted.

Reps. Eugene Daniell, Norton and Rogers spoke against the bill.

Rep. Lawton spoke in favor of the bill and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Nardi abstained from voting under Rule 16.

(Speaker presiding)

YEAS 190 NAYS 105

YEAS 190

BELKNAP: Gary Dionne, Marshall French, Hildreth, Lawton, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Krause, Ladd, Marshala, Parker, Margaret Ramsay, Scranton, Vrakatisis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Chambers, Crory, Dearborn, Myrl Eaton, Gemmill, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Aubut, Baker, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Mark Connolly, Coughlin, Cullity, Catherine-Ann Day, Dupont, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Howard Humphrey, LaFleur,

Lamy, Armand Lemire, Roland Lemire, Madigan, Martel, McLaughlin, Miller, Morrison, Kerry O'Connor, O'Neill, Pelletier, Polak, Henry Richardson, Paul Riley, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Francis Sullivan, Kevin Sullivan, Wallace, Wallin, Geraldine Watson, Robert Wheeler and John Winn.

MERRIMACK: Bibbo, Laurent Boucher, John Cate, Chandler, Richard Hanson, Hess, James Humphrey, Kidder, McNichol, Pardy, Pelton, Arthur Perkins, Plourde, Shepard, Stockman, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, William Boucher, Chapman, Collins, Connors, Cotton, Cunningham, Davis, Robert Day, Dunfey, Carl Gage, Gibbons, Goff, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, O'Keefe, Parolise, Parr, Quimby, Swananer, Skinner, Splaine, Stimmell, Sytek, Tavitian and Helen Wilson.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Donnelly, Hebert, Lessard, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend and Tucker.

NAYS 105

BELKNAP: Beard, Bowler, Mansfield and Rose.

CARROLL: Roderick Allen and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Galloway, Elmer Johnson, Matson, Proctor and Russell.

COOS: Keough and Oleson.

GRAFTON: George Cate, Copenhaver, Cornelius, Neil McIver and Taffe.

HILLSBOROUGH: Bosse, Burke, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Arline Dion, L. Penny Dion, Heald, Daniel Healy, Kaklamanos, Karnis, Knight, Levesque, Lyons, Mazur, McGlynn, Nemzoff-Berman, Pappas, Paradis, Peters, Plomaritis, Podles, Record, St. George, Stylianos, Harold Thomson, Van Loan, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Eugene Daniell, Foley, Gamache, Donna MacIvor, Mullin, Packard, Ralph, Rich, Gerald Smith, Stefanides, Tarr, Waters and Wiviott.

ROCKINGHAM: Benton, Blanchette, Campbell, Danforth, Erler, Felch, Flanagan, Beverly Gage, Canley, Caskill, Greene, Griffin, Donna McEachern, Niebling, Norton, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Alfreda Smith, Vlack, Webster, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Canney, Joncas, Joos, Kincaid, McManus, Dennis Ramsey, Schreiber, Torrey, Tripp and Valley.

SULLIVAN: Barrus and Spaulding and the report was adopted.

Referred to Appropriations.

The Speaker requested the Committee on Ways and Means to prepare a revenue estimate concerning HB 34.

HB 28, relative to making an appropriation for equipment for the youth development center. Ought to Pass. Rep. Dennis Ramsay for State Institutions.

The Committee vote was 15 - 0 in favor of this bill. The need for this equipment was well-documented and no individual spoke against this measure. The present freezer functions poorly and is very costly in loss of electricity and frozen meat and food products.

Referred to Appropriations.

HB 26, relative to annual equalization valuations. Ought to Pass. Rep. Peters for Ways and Means.

This bill requires the Department of Revenue Administration to equalize property taxes annually rather than biennially. This is a housekeeping measure which will insure that each city and town receives the right amount of revenue from the Business Profits Tax, Interest and Dividends Tax and the Rooms and Means Tax.

Rep. Quimby spoke to the committee report.

Referred to Appropriations.

HB 33, imposing a tax on capital gains and making an appropriation to the department of revenue administration.

Majority: Ought to Pass with Amendment. Rep. Peters for Ways and Means. Minority (Reps. Kenneth C. Smith and O'Neil): Inexpedient to Legislate.

Majority: The majority feels that the existing budget does not include enough money to meet the state's legal obligations for handicapped children. An additional revenue source must be found, and this is the least burdensome of available revenue measures.

Minority: The minority of the Committee on Ways and Means feels that HB 33 does not address itself to the real problem and that to earmark revenue for a special program would establish a dangerous precedent.

Rep. Wallin moved that HB 33 be recommitted to the Committee on Ways and Means and spoke to her motion.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed

at the present time, and when the House adjourn today it adjourn in honor of the birthdays of Reps. Krasker, Carpenito and Dunfey.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 2, relative to mileage payments to legislators while on other legislative business.

HB 14, making appropriations for capital improvements in the Winnepesaukee river basin pollution control program.

HB 21, reimbursing John A. King for legal expenses in regard to the Board of Probation v. John A. King.

#### RECESS

Rep. Marshall French moved the House adjourn.

Adopted.

# HOUSE JOURNAL 9

*Tuesday, 25 Apr78*

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Lucy ("Good ol' Charlie Brown" by Schulz) to Linus: "Boy, do I feel crabby!"

Linus: Maybe I can be of help?

Why don't you just take my place here in front of the TV while I go and fix you a nice snack?

Sometimes we all need a little pampering to help us feel better

See? I came right back! Here's a nice sandwich for you, some chocolate chip cookies and a cold glass of milk.

Now, is there anything else I can get you?

Is there anything I haven't thought of?

Lucy: Yes, there's one thing that you haven't thought of I DON'T WANNA FEEL BETTER!!

Let us pray:

It appears to me Lord, that this is the way it is for many of us when it comes to our responsibilities here in this House. We talk about good government, but when it comes right down to it, too often we are saying, by deed and action, "I don't want to!" All kinds of hidden and not-so-hidden agenda emerges as feelings, and most times, too subjective and self-serving to minister to the pressing needs of our state. God, remind us that we are here committed to good government and let us get to that task, with the people of our state uppermost in our minds and hearts. Amen!

Rep. Benton led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. LaFleur, Head, Morgan, Ainley, Forsaith Daniels, Edmund Keefe, Cecelia Winn, Brack, Crotty, Barrett and Wolfson, the day, illness.

Reps. Gemmill, Scranton, Russell, Torrey, Anne Gordon, Bridges, Parker, Madeline Townsend, Carroll, Gary Dionne, Miller and Michael Woodard, the day, important business.

Rep. Lovejoy, the day, death in the family.

#### INTRODUCTION OF GUESTS

Robert and Karen Brundige of Merrimack, guests of Rep. Carswell; Dennis Rouleau, member of the Somersworth High Key Club, guest of Rep. Nadeau; Mr. Ken Wheeler and Keith Johnston, husband and grandson of Rep. Emma Wheeler; Mrs. Olive Dearborn and former Representative Maurice Downing, guests of Reps. Lewko, Rowell and Lucas; Mrs. Carl Griffin and daughters, Kimberly and Jennifer, guests of Rep. Skinner; Davy Crockett of Stoddard and Subic Bay, Philippines, guest of Reps. Galloway and



Daniel Eaton; Donnie Pope, student at Franklin Pierce Law Center, guest of Rep. Spirou; Tina Gimas, Joanne McMullen and Mary Jane Walsh, guests of Rep. Catherine-Ann Day.

## COMMITTEE REPORTS

HB 29, relative to non-conforming boilers and unfired pressure vessels. Ought to Pass with Amendment. Rep. Chapman for Commerce and Consumers Affairs.

This bill will enable owners of antique steam engines and tractors to have state inspections, and for use at non-commercial meets.

## Amendment

Amend RSA 157-A:7, IV, (b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Such state laws and regulations equal or exceed the criteria in this state as promulgated under paragraph III.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present. Amendment adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 96 NAYS 17

YEAS 96

BELKNAP: Marshall French, Lawton and Morin.

CARROLL: Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Fillback, Galloway, Ladd, Marshala and Moore.

COOS: Burns, Horton, Alcide Valliere, Willey and Wiswell.

GRAFTON: Ira Allen, McAvoy, Rounds, Stomberg, Taffe and Ward.

HILLSBOROUGH: Albert Bellemore, Bosse, Burke, Carswell, Mark Connolly, Corser, Heald, Howard Humphrey, Thomas Hynes, Knight, Lyons, Martineau, Fred Murray, Nemzoff-Berman, Paradis, Pelletier, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Harold Thomson and M. Arnold Wight.

MERRIMACK: Bibbo, John Cate, Richard Hanson, Donna MacIvor, Packard, Arthur Perkins, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Akerman, Benton, Blake, William Boucher, Chapman, Cunningham, Robert Day, Flanagan, Beverly Gage, Jones, Kane, Kashulines, Parr, Anthony Randall, Rogers, Sanborn, Schwaner, Stimmell, Vlack and Webster.

STRAFFORD: Appleby, Burchell, Charles Grassie, Dianne Herchek, James Herchek, Lefavour, Meader, Nadeau, Osgood, Preston and Ruel.

SULLIVAN: Ingram, Lewko, Lucas, Spaulding and Sara Townsend.

NAYS 17

BELKNAP: None.

CARROLL: None.

CHESHIRE: Krause.

COOS: Keough.

GRAFTON: Buckman, George Cate, Dearborn and Myrl Eaton.

HILLSBOROUGH: Granger.

MERRIMACK: Bellerose, Laurent Boucher and Chandler.

ROCKINGHAM: Bisbee, Davis and Norton.

STRAFFORD: Canney, Joncas and Maloomian.

SULLIVAN: George Wiggins, and HB 29 was ordered to third reading.

HB 59, providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations. Ought to Pass. Rep. Chapman for Commerce and Consumer Affairs.

Dealers of wood-burning stoves would be required to provide installation instructions with all new stoves, and cities and towns are given enabling legislation to pass local ordinances requiring installation inspections.

Rep. Chapman spoke in favor of the committee report.

Rep. Rounds moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, spoke to his motion and yielded to questions.

Rep. Burns spoke against the motion and yielded to questions.

A division was requested.

107 members having voted in the affirmative and 88 in the negative, the motion lost lacking the necessary two-thirds when less than two-thirds of the members are present and voting.

Rep. Chapman moved that HB 59 be laid upon the table.

Adopted.

Rep. Spirou requested a quorum count. The Speaker declared a quorum present.

HB 62, relative to regulation of investments of domestic life insurance companies. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill revises the 1913 statutes regulating the investments of domestic life insurance companies to allow these New Hampshire companies to be more competitive with out-of-state insurers, while maintaining sufficient restrictions to protect the interests of New Hampshire policyholders. In addition to its restrictions and limitations on the investments of domestic life insurance companies, this bill provides that the Insurance Commissioner may issue such rules and regulations as may be necessary to carry out the purposes of this legislation. This bill was supported by all of New Hampshire's life insurance companies, by the New Hampshire Association of Life Underwriters, by the New Hampshire Association of Domestic Insurance Companies, and by the New Hampshire Insurance Department.

Ordered to third reading.

HB 37, concerning the power of Magdalen College to grant degrees. Ought to Pass with Amendment. Rep. Gemmill for Education. Bill permits Magdalen College to grant degrees, and the amendment adds the Master's program at New England and Associate degrees at Lebanon College, both of which have been certified by the Postsecondary Education Commission. Committee vote 9 - 2.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

concerning the power of Magdalen, New England and Lebanon Colleges to grant degrees.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New England College. New England College is hereby authorized to grant degree of master of arts in environmental planning through June 30, 1981, subject to the continuing approval of the postsecondary education commission.

3 Lebanon College. Lebanon College is hereby authorized to grant the degrees of associate in business science and associate in arts through June 30, 1981, subject to the continuing approval of the postsecondary education commission.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 56, excusing a school board from its duty to provide education to residents of military installations. Refer to the Supreme Court for an advisory opinion. Rep. Gemmill for Education.

This bill raises several complicated legal questions which the Committee believes should be answered before proceeding further. Vote: 10 - 1.

Rep. William Boucher moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Refer to the Supreme Court for an advisory opinion. Adopted.

Rep. Aeschliman offered an amendment.

#### Amendment

Amend RSA 189:1-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils under 21 years of age who reside in the district, excluding those students residing on a military installation unless funds are provided by the federal government for the full cost of their education either by tuition or reimbursement, provided that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

The Assistant Clerk read the amendment.

Rep. Aeschliman spoke in favor of her amendment.

A roll call was requested. Sufficiently seconded. Adopted.

(Speaker Presiding)

YEAS 256 NAYS 4

YEAS 256

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Morin, James Murray and Rose.

CARROLL: Dickinson, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Fillback, Galloway, Irvin Gordon, Krause, Ladd, Marshala, Moore, Proctor, Margaret Ramsay, Terry and Whipple.

COOS: Burns, Fortier, Horton, Hunt, Keough, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Cornelius, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, McAvoy, Rounds, Snell, Stomberg, Taffe, Clynetta Thomson and Ward.

HILLSBOROUGH: Ahern, Aubut, Baker, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Carswell, Chagnon, Mark Connolly, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, L.

Penny Dion, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Knight, Levesque, Lyons, Martel, Martineau, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Edward Smith, Leonard Smith, Soucy, Spirou, Stylianos, Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Emma Wheeler, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, Mitchell, Mullin, Packard, Parady, Pelton, Arthur Perkins, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Akerman, Barka, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Chapman, Collins, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Donnelly, Charles Grassie, Hebert, James Herchek, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, McManus, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 4

BELKNAP: None.

CARROLL: Towle.

CHESHIRE: None.

COOS: None.

GRAFTON: Pepitone.

HILLSBOROUGH: None.

MERRIMACK: None.

ROCKINGHAM: None.

STRAFFORD: Appleby.

SULLIVAN: George Wiggins and the amendment was adopted.

The Education committee offered a resolution:

#### HOUSE RESOLUTION NO. 6

requesting an opinion of the justices of the supreme court on the constitutionality of House Bill No. 56.

Whereas, there is pending before the House of Representatives House Bill No. 56, An Act excusing a school board from its duty to provide education to residents of military installations; and

Whereas, the bill excludes certain residents from those to whom a school board has a duty to provide an education; and

Whereas, there is a question as to the constitutionality of House Bill No. 56; now, therefore, be it

Resolved by the House of Representatives: That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following question:

"Does House Bill No. 56 in attempting to exclude certain persons from the group to whom a school board has a duty to provide an education violate any provision of the Constitution of the United States and/or provision of the Constitution of New Hampshire?"; and

That the clerk of the House of Representatives transmit 7 copies of this resolution to the justices of the Supreme Court along with copies of House Bill No. 56 as amended.

The Assistant Clerk read the resolution.

Rep. William Boucher spoke in favor of the resolution.

Adopted.

Referred to the Supreme Court for an advisory opinion.

HB 43, establishing a hazardous waste management program. Ought to Pass with Amendment. Rep. Greene for Environment and Agriculture.

Passage of this bill will qualify New Hampshire to apply for interim authorization under the Federal Resource Conservation and Recovery Act of 1976. This will give us two years in which to develop guidelines and regulations to control hazardous waste programs within New Hampshire. Deadline for application is October 21, 1978 under both the federal law and the guidelines and regulations developed by E.P.A. Failure to apply will cause the federal E.P.A. regulations to be imposed on our businesses and industries as of the deadline date. Committee vote was unanimous.

#### Amendment

Amend RSA 147:48 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:



## Hazardous Waste Management

147:48 Definitions. In this subdivision:

I. "Bureau" means the bureau of solid waste management, division of public health services, department of health and welfare which is charged with the administration and enforcement of this subdivision.

II. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

III. "Generation" means the act or process of producing waste materials.

IV. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes, which because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(a) cause, or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(b) pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged.

(c) Such wastes include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means.

(d) Such wastes do not include radioactive substances that are regulated or controlled by federal agencies.

V. "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

VI. "Imminent hazard" means any abnormal conditions or practices in any place or area which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the commencement of such danger can be eliminated through the enforcement procedures otherwise provided by this subdivision.

VII. "Manifest" means the form used for identifying the quantity, composition, routing, destination and origin of hazardous waste during transport.

VIII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, or any interstate body.

IX. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such hazardous wastes.

X. "Transport" means the movement of wastes from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

XI. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable to recovery, amenable to storage, or reduced in volume.

XII. "Treatment facility" means a location at which waste is subjected to treatment and may include a facility where waste has been generated.

XIII. "Waste" means any matter consisting of

(a) any discarded or abandoned material, and

(b) any other material when it is (1) not the prime product of the industrial process or

(2) any part of the national industrial output of the material is discarded or both.

Amend RSA 147:49, II, (b) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) rules for the storage, manifest system, treatment, containerization, transportation and disposal of hazardous wastes; and

Amend RSA 147:49 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. "Pesticides" as defined in RSA 149-D are subject to this chapter only to the extent that they fall within the criteria as a "hazardous waste" and which are disposed of in containers.

Amend RSA 147:50 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

147:50 Permits.

I. Within 6 months of the effective date of this section no person shall construct, substantially alter, or operate any hazardous waste treatment or disposal facility or site, nor shall any person store, transport, treat, or dispose of any hazardous waste without first obtaining a permit from the bureau for such facility, site, or activity. This section shall also apply to any person performing any of the acts specified in this paragraph on the effective date of this section.

II. Permits issued under this section shall be issued under such terms and conditions as the bureau may prescribe and under such terms and conditions as the department of safety or public utilities commission or both may prescribe for the transportation of hazardous wastes.

III. Permits shall be issued on a permanent basis.

IV. Any permit issued under this section may be revoked by the bureau at any time when the permittee fails to comply with the terms and conditions of the permit, provided, no permit shall be revoked until the bureau has provided the affected party with the opportunity for an adequate



hearing, and with written notice of the intent of the bureau to revoke the permit and the reasons for such revocation.

V. Any person aggrieved by a decision of the bureau to revoke a permit under paragraph IV may appeal to the office of the commissioner of the department of health and welfare who may affirm, deny or amend the decision of the bureau. The commissioner shall establish procedures for the appeal process provided under this paragraph.

VI. If the application for or compliance with any permit required under this section would, in the judgment of the bureau cause undue or unreasonable hardship to any person, the bureau may issue a variance from the requirements of this section. In no case shall the duration of any such variance exceed one year; renewals or extensions may be given only after opportunity for public hearing and comment in the town or city affected by each such renewal or extension.

Amend RSA 147:51 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:  
147:51 Facilities and Sites.

I. No permit shall be issued to any hazardous waste treatment or disposal facility or site unless that facility or site meets such terms and conditions as the bureau may direct. Terms and conditions shall include, but not be limited to:

(a) evidence of liability insurance in such amount as the bureau after prior consultation with the commissioner of insurance may determine to be necessary and reasonable for the protection of the public health and safety and of the environment;

(b) evidence of financial responsibility in such form and amount as the bureau after prior consultation with the commissioner of insurance may determine to be necessary and reasonable to insure that, upon abandonment, cessation, or interruption of the operation of the facility or site, all appropriate measures are taken to prevent present and future damage to the public health and safety and to the environment;

(c) persons charged with the direct supervision of the operation of any facility or site shall be certified by the bureau according to the rules of the bureau and after a review of the types, properties, and volume of hazardous wastes to be treated or disposed of at the facility or site.

Amend RSA 147:52, I, (c) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(c) inspect and copy any records, reports, information, or test results relating to the purposes of this chapter.

Amend paragraph I of section 3 of the bill by striking out same and inserting in place thereof the following:

I. RSA 147:50, 147:51, 147:52, 147:54 as inserted by section 2 of this act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 3, establishing an office of health planning and development. Ought to Pass. Rep. Close for Executive Departments and Administration.

This bill is very similar to HB 602 which passed the House during the 1977 Regular Session. It establishes an office of Health Planning and Development and a statewide health coordinating council. This will bring the state in compliance with federal law and will enable it to receive some \$80 million dollars of Federal Funds. A footnote authorizing an Office of Health Planning and Development was placed in the 1977 operating budget. This bill will now place it in the New Hampshire Revised Statutes Annotated.

Rep. Spaulding moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, spoke to her motion and yielded to questions.

Rep. George Wiggins spoke in favor of the motion.

Rep. Close spoke against the motion and yielded to questions.

Rep. Cornelius spoke in favor of the motion.

Rep. George Wiggins moved that HB 3 be laid upon the table.

A roll call was requested. Sufficiently seconded. Adopted.

(Speaker Presiding)

YEAS 108 NAYS 162

YEAS 108

BELKNAP: Lawton and James Murray.

CARROLL: Roderick Allen, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Galloway, Irvin Gordon, Matson and Whipple.

COOS: Burns, Horton, Keough, Mabel Richardson and Theriault.

GRAFTON: Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell and Glyneta Thomson.

HILLSBOROUGH: Aubut, Burke, Coburn, Cullity, Clyde Eaton, Joseph Eaton, Gelinias, Granger, Heald, Daniel Healy, Howard Humphrey, Karnis, Knight, Levesque, Paradis, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Stylianos, Harold Thomson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Richard Hanson, James Humphrey, Polly Johnson, Doris Riley, Shepard, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Bisbee, Blake, Cutcliffe, Danforth, Davis, Erler, Felch, Beverly Cage, Gaskill, Goff, Kane, Kashulines, King, Nelson, Parr, Anthony Randall, Schwaner, Tavitian, Webster and Helen Wilson.

STRAFFORD: Appleby, Canney, Joncas, Maglaras, Maloomian, Nadeau, Osgood, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Ingram, Lewko, Scott, Spaulding, Tucker and George Wiggins.

NAYS 162

BELKNAP: Beard, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, Rose and Sanders.

CARROLL: Found.

CHESHIRE: Close, Daniel Eaton, Fillback, Krause, Ladd, Marshala, Moore, Proctor, Margaret Ramsay, Terry and Vrakatitsis.

COOS: Cooney, Fortier, Hunt, Oleson, Poulin, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, LaMott, Stomberg, Taffe and Ward.

HILLSBOROUGH: Ahern, Baker, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Carswell, Chagnon, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dupont, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Thomas Hynes, Kaklamanos, Lyons, Martel, McGlynn, Morrison, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Orcutt, Pappas, Pelletier, Peters, Record, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Sullivan, Van Loan, Wallin and M. Arnold Wight.

MERRIMACK: Milton Cate, Foley, Gamache, Hess, Kidder, Donna MacIvor, McLane, Mitchell, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Barka, Blanchette, William Boucher, Carpenito, Chapman, Collins, Cunningham, Robert Day, Flanagan, Ganley, Gibbons, Gould, Griffin, Hartford, Hoar, Jones, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Norton, Parolise, Pucci, Quimby, Richards, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Charles Grassie, Hebert, Joos, Kincaid, Lefavour, Lessard, McManus, Meader, Morrisette, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Lucas, Palmer and Sara Townsend, and the motion lost.

Question being on the Spaulding motion to substitute Inexpedient to Legislate.

Motion lost.

Question being on the committee report. Adopted.

Ordered to third reading.

HB 10, establishing the New Hampshire crime commission. Ought to Pass with Amendment. Rep. Trachy for Executive Departments and Administration.

This bill transfers the Commission on Crime and Delinquency from a commission established by the Governor's executive order number 73-4 to a state agency known as the New Hampshire Crime Commission. Passage of this bill by December 31, 1978 is necessary in order to be able to receive Law Enforcement Assistance Administration funds. Amendments to the bill were housekeeping in nature in order to improve language.

#### Amendment

Amend RSA 7-B:7, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

7-B:7 Executive Director, Appointment, Powers, and Responsibility.

I. There shall be an executive director of the commission. The executive director shall be appointed by the governor with the advice and consent of the council and shall serve for a 4 year term. The executive director should be qualified for his position by character, personality, ability, education, training and should be a graduate of an accredited college or university, possess a degree in law or a master's degree in public administration, planning, management, corrections, social work, social sciences, or a related field. He shall be responsible for implementing the policies of the commission. The executive director is the chief administrative and executive officer of the commission. The executive director is exempt from the classified service of the state, and he is to be compensated in accordance with RSA 94:1-a.

Amend RSA 7-B:7, II (a) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) To establish major operating divisions within the agency as is necessary and appropriate and to appoint in accordance with RSA 98 directors of such divisions;

Amend paragraph I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The state of New Hampshire governor's commission on crime and delinquency, as established by executive order number 73-4, as amended, shall be terminated on the effective date of this act. All of its books, records, reports, equipment, property, accounts, liabilities, and all funds subject to its control shall be transferred to the New Hampshire crime commission as established by this act. The permanent classified and unclassified employees of the state of New Hampshire governor's commission on crime and delinquency, as established by executive order number 73-4, as amended, shall be transferred to the New Hampshire crime commission as established under this act and shall be placed in the appropriate grade of

the state's personnel classification system as classified state employees. All regulations promulgated by the governor's commission on crime and delinquency as established by executive order number 73-4, as amended shall be deemed to be regulations of the New Hampshire crime commission.

Amendment adopted.

Ordered to third reading.

HB 45, relative to amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration. At the present time, the New Hampshire Housing Finance Agency is preparing to issue \$80 million in single-family construction bonds but cannot do so until the New Hampshire Sunset Act is clarified to assure investors of the security of these and other bonds issued by state agencies subject to the Act. This amendment was proposed by the joint, bipartisan committee created in 1977 to administer the Sunset Act and was prepared with the assistance of bond counsel to the Industrial Development Authority and the New Hampshire Housing Finance Agency. It specifies the procedure for terminating state agencies with bonds or notes outstanding in order to insure that bonds and notes issued by state agencies subject to termination under the Sunset Act will remain marketable while at the same time protecting the state's credit rating. Under the amendment, the State Treasurer administers the payment of any outstanding indebtedness of an agency terminated under the Sunset Act but the state assumes no obligation greater than it already may have toward the bondholders of that agency.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 17-G by inserting after section 9 the following new section:

17-G:10 Effect of Termination on Obligations. If an agency or program shall be terminated pursuant to this chapter when there are outstanding any bonds, notes, bond anticipation notes, debentures, interim certificates or other evidences of financial indebtedness (collectively "obligations") issued by such agency or in connection with such program (a) all duties, functions, responsibilities and rights relating to the payment or securing the payment of such obligations shall pass to the state and be performed by and through the state treasurer; and (b) any property then held by such agency or in connection with such program shall thereupon also pass to the state. The passing of obligations and rights in accordance with this section shall not increase or diminish them and the faith and credit of the state shall not thereby be pledged to the payment of any such obligation.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 50, relative to restructuring the public utilities commission and making an appropriation therefor. Ought to Pass with Amendment. Rep. Cornelius for Executive Departments and Administration.

This bill is the product of three years of study by two different committees, including one statutorily created for the sole purpose of studying PUC restructuring. The Committee recommends this bill as the best vehicle for restoring public confidence in the Commission. The bill insures a breadth of expertise among Commissioners, requires them to work full-time and establishes a code of ethics to which they must adhere. It also charges the PUC with undertaking regular management audits of utilities within its jurisdiction and with reviewing utility estimates of reserve capacity requirements. The first portion of the Committee amendment requires a review of staff compensation levels as compared to other states, in response to the Commission's continuing inability to fill professional staff positions due to non-competitive salaries. The second portion of the amendment corrects a typographical error and the third part is designed to give the House a mechanism for forcing a Committee of Conference if it is needed to adequately review any further changes in the bill. The cost of the bill will be paid by the utilities and ultimately by the consumers. The estimated additional cost to each New Hampshire household is 5¢ per year. The Committee believes this to be a small price to pay for a restructured, more effective and more responsive PUC.

Amendment

Amend RSA 363:25, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The staff of the commission shall be divided along functional lines. There shall be an advisory staff and an investigatory staff. The investigatory staff shall supply all the factual material, relative to each party at interest appearing before the commission, that the commissioners may require. The advisory staff shall supply all other material that the commissioners may require in order to reach and present the commission's decision on any matter before it. All records of the investigatory staff shall be public records subject to the provisions of RSA 91-A.

Amend the bill by striking out all after section 7 and inserting in place thereof the following:



## 8 Personnel Reevaluation.

Notwithstanding the provisions of 1977, 600:89, the director of personnel shall undertake an examination of the need to reclassify or reevaluate the non-clerical classified positions of the commission created by section 1 of this act. The chairman of the commission shall submit to the director of personnel any material or information which the director shall request in order to facilitate this review. The director shall include as a standard for this review the classification and salary level of similar positions in other commissions in New England and in other states of similar size to New Hampshire. Any reclassifications or adjustments in salary recommended as a result of said study shall take effect within one month of the completion of the study. Additional expenses resulting from such reclassifications or adjustments shall be assessed against the utilities in accordance with RSA 363-A.

## 9 Senators Excluded from Appointment.

No elected senator serving in the New Hampshire state senate on the effective date of this act shall be eligible for appointment as a public utilities commissioner until 4 years after said effective date.

## 10 Effective Date.

I. Sections 1 through 6 and sections 8 and 9 of this act shall take effect upon passage.

II. Section 7 of this act shall take effect July 1, 1978.

Reps. Scamman, Lessard and Hoar spoke against the amendment.

Rep. Spirou spoke against the amendment and yielded to questions.

Rep. Lucas spoke in favor of the amendment and yielded to questions.

Rep. Cornelius moved that section 9 of the amendment be divided from the rest of the amendment and spoke to his motion.

Rep. Marshall French spoke in favor of the motion.

Adopted.

Reps. Marshall French and Spirou moved to delete section 9 from the amendment.

Adopted.

Question being on the remainder of the amendment.

Amendment adopted.

Rep. Towle spoke against the bill.

Rep. Daniel Healy moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Lessard and Spirou spoke against the motion and yielded to questions.

Rep. Sara Townsend spoke against the motion.

Rep. Close moved the previous question. Sufficiently seconded. Adopted.

Rep. Towle requested a roll call. Sufficiently seconded.

Rep. Sackett abstained from voting under Rule 16.

(Speaker Presiding)

YEAS 70 NAYS 218

YEAS 70

BELKNAP: Lawton and Marsh.

CARROLL: Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Galloway, Vrakatitsis and Whipple.

COOS: Keough and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Duhaime, Myrl Eaton, Logan, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Burke, Coburn, Drewniak, Clyde Eaton, Daniel Healy, Howard Humphrey, Karnis, Levesque, Martineau, Mazur, McDonough, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Chandler, James Humphrey, Polly Johnson, Shepard, Gerald Smith and Doris Thompson.

ROCKINGHAM: Blake, Connors, Cutliffe, Danforth, Davis, Erler, Felch, Goff, Kashulines, Joseph McEachern, Nelson, Norton, Scamman, Webster and Helen Wilson.

STRAFFORD: Belhumeur, Joncas, Kincaid and Maloomian.

SULLIVAN: Barrus, Lewko, Scott and George Wiggins.

NAYS 218

BELKNAP: Beard, Bowler, Marshall French, Hildreth, Mansfield, Morin, James Murray and Rose.

CARROLL: Roderick Allen, Dickinson, Found and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay and Terry.

COOS: Burns, Cooney, Fortier, Horton, Hunt, Oleson, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, LaMott, McAvoy, Neil McIver, Rounds, Stomberg, Taffe and Ward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Albert Bellemore, Wilfrid Boisvert, Bosse, Carswell, Chagnon, Colson, Mark Connolly, Corder, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Heald, Thomas Hynes, Kaklamanos, Knight, Lamy, Lyons, Martel, McGlynn, Morrison, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Record,



Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Sullivan, Van Loan, Wallin, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Ralph, Rice, Rich, Doris Riley, Stefanides, Stockman, Tarr, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Cunningham, Robert Day, Dunfee, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kane, King, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack and Wojnowski.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Lefavour, Lessard, Maglaras, McManus, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Ingram, Lucas, Palmer, Sara Townsend and Tucker, and the motion lost.

Question being on the committee report.  
Adopted. Referred to Appropriations.

HB 58, transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Russell for Executive Departments and Administration.

This bill would place liquor inspectors in Group II of the New Hampshire Retirement System.

The Executive Departments and Administration Committee has requested the Speaker of the House to appoint a special committee to thoroughly review the New Hampshire Retirement System with particular regard to Group I and Group II personnel requirements, and to prepare comprehensive legislation for introduction into the 1979 Regular Session. In light of this the Committee deems it appropriate to refer this bill to further study thereby withholding action until the special committee completes its study.

Referred to the Committee on Executive Departments and Administration for Interim Study.

HB 25, forbidding the taking of oyster spat except by marine biologists of the fish and game department. Refer to the Committee on Fish and Game for Interim Study. Rep. Stimmell for Fish and Game.

Too much detail. Needs much more work.  
Thus recommended for study.

Referred to the Committee on Fish and Game for Interim Study.

HB 52, relative to night hunts for coon dogs. Ought to Pass with Amendment. Rep. Stimmell for Fish and Game.

This bill clears up the law regarding holding hunting licenses on raccoon and bird dog trials. Unanimous vote.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 41, concerning the assignment of temporary justices of the supreme court. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

The State Supreme Court is composed of four associate justices and one chief justice. Under existing law, a retired Supreme Court justice cannot be recalled to sit in the Supreme Court when a vacancy is created as the result of a conflict of interest, disability or unavailability of a justice. This bill would permit retired justices of the Supreme Court or Superior Court to fill the vacancy on a temporary basis until such time as the vacancy is filled on a permanent basis. The Committee amendment would permit the bill to take effect upon its passage.

#### Amendment

Amend section 7 of the bill by striking out same and inserting in place thereof the following:

7 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 51, providing for the defense and indemnification of state officers and employees against certain claims. Ought to Pass. Rep. Arthur Perkins for Judiciary.

This bill would provide for a defense and indemnification of state officers and employees for actions brought against them for their conduct which was within the scope of their employment. The bill would authorize the Attorney General and/or Governor and Council to make a determination as to whether or not the conduct of the employee was within the scope of his employment and not performed in a wanton and reckless

manner. If so determined, then the Attorney General's Office would act as legal counsel for the employee and the state would indemnify the employee for any judgment rendered against him.

Ordered to third reading.

HB 19, repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay. Ought to Pass with Amendment. Rep. Robert Wheeler for Labor, Human Resources and Rehabilitation.

This is an important measure to correct a section of RSA 282:2 which became effective in July 1977 which reduced unemployment compensation benefits to retired people on pensions and social security benefits.

This bill will correct the unfair and discriminatory effect on New Hampshire citizens who have worked for pensions and for their retirement, who have found that when they are laid-off, can draw little or no unemployment compensation benefits, to which their employers have been contributing.

The amendment provides a repeal mechanism which shall become effective 60 days after the date mandated by P. L. 94-566 as amended.

Section 2 of the amendment provides for reimbursement to those citizens who have incurred a reduction or disqualification from benefits since July 1977.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
conditionally repealing the law  
relative to reducing unemployment  
compensation benefits in an amount  
equal to a person's retired pay.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 RSA 282:2, E relative to reducing unemployment compensation benefits by the amount of retired pay is hereby repealed provided, however, that RSA 282:2, E shall become effective again 60 days after the date mandated by P.L. 94-566 as amended.

2 Reimbursement Provided. The department of employment security shall identify and notify in writing all persons who have incurred a reduction in or disqualification from benefits from the effective date of RSA 282:2, E until the effective date of this act. The department of employment security shall reimburse such persons in the full amount of the benefits they were denied as a result of the enactment of RSA 282:2, E.

3 Effective Date. This act shall take effect upon its passage.

Rep. George Wiggins moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Spirou, Skinner, Rounds, Felch, Plourde and Marshall French spoke against the motion.

Rep. George Wiggins spoke a second time to his motion, and yielded to questions.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Rep. Towle requested a roll call. Sufficiently seconded.

(Speaker Presiding)  
YEAS 38 NAYS 246

YEAS 38

BELKNAP: Marsh.

CARROLL: Towle.

CHESHIRE: Galloway.

COOS: Hunt and Mabel Richardson.

GRAFTON: Ira Allen, George Cate, Dearborn, Duhaime, Myrl Eaton and Glyneta Thomson.

HILLSBOROUGH: Bosse, Chagnon, Joseph Eaton, Howard Humphrey, Levesque, Arnold Perkins, Henry Richardson, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Chandler, James Humphrey, Doris Riley and Shepard.

ROCKINGHAM: Bisbee, Cutcliffe, Gould and Webster.

STRAFFORD: Canney, Joncas, Lefavour, Maloomian and Nadeau.

SULLIVAN: Barrus, Scott and George Wiggins.

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BELKNAP: Beard, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Rose and Sanders.

CARROLL: Roderick Allen, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Fillback, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Oleson, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe and Ward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Albert Bellemore, Wilfrid Boisvert, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Gabrielle Gagnon, Nancy Gagnon, Gelin, Girolimon, Granger, Sal Grasso, Heald, Daniel Healy, Thomas Hynes, Kaklamanos, Karnis, Knight, Lamy, Lyons, Martel, Martineau, Mazur, McDonough, McGlynn, Morrison, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Podles, Polak, Simard, Edward Smith, Leonard Smith, Sprou, St. George, Stahl, Stylianos, Sullivan, Sweeney, Harold Thomson, Van Loan, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, Donna MacIvor, McNichol, Mitchell, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Blake, Blanchette, William Boucher, Carpenito, Chapman, Collins, Connors, Cunningham, Danforth, Davis, Robert Day, Dunfee, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Charles Grassie, Hebert, Joos, Kincaid, Lessard, Maglaras, Meader, Morrisette, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Lewko, Lucas, Palmer, Sara Townsend and Tucker, and the motion lost.

Amendment adopted.

Question being on the committee report.  
Ordered to third reading.

#### RECESS

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Catherine-Ann Day offered the following:

#### HOUSE RESOLUTION NO. 5

in recognition of the excellence of Manchester Central High School's student newspaper, the Little Green.

Whereas, the Little Green, Manchester Central High School's student newspaper, was named the top student newspaper in New England for 1977-78 in the large school division at the New England Scholastic Press Conference held at Boston University, Boston, Massachusetts; and

Whereas, the Little Green swept 7 out of 8 awards in the gold (large school) division at the Scholastic Press Forum held at American International College in Springfield, Massachusetts, and won 2 special trophies, including the Press Bowl for the second year in a row, an honor never before achieved; and

Whereas, the Little Green has proven its excellence against dozens of school papers from throughout the Northeast as judged by professional newsmen; now, therefore, be it

Resolved by the House of Representatives:

That the excellence of the Little Green be officially recognized, and that the fine work of the students responsible for this outstanding newspaper be commended.

Be it further resolved that a copy of this resolution be presented to the Central High School students whose work has made the Little Green an award-winning student newspaper.

Adopted unanimously.

#### COMMITTEE REPORTS (Cont'd)

HB 6, amending the city charter of Rochester to provide for non-partisan municipal primary and general elections. Ought to Pass with Amendment. Rep. Packard for Municipal and County Government.

New Hampshire is the only New England State without "Home Rule" legislation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to home rule.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 49-A the following new chapter:

#### CHAPTER 49-B

##### Home Rule - Municipal Charters

49-B:1 Purpose. The purpose of this chapter is to implement the home rule powers granted to municipalities by article 39, part first of the constitution of the state of New Hampshire.

49-B:2 Scope of Authorization. Any incorporated city or town, regardless of population, shall be entitled to exercise the home rule powers granted by article 39, part first of the New Hampshire constitution, through this chapter, to create a charter commission and present to its inhabitants by referendum a municipal charter, which may establish any form of municipal government utilized throughout the United States. Said chapter shall contain, at a minimum, provisions substantially as follows:



- I. Form of government;
- II. Number, powers, election and removal of officials and filling of vacancies;
- III. Noninterference with administrative affairs in forms of government establishing an appointed chief administrative officer;
- IV. Budget and fiscal procedures, fiscal year and fiscal control;
- V. Municipal departments;
- VI. Independent audit;
- VII. Special assessments;
- VIII. Personnel system based on merit principles;
- IX. Administrative code.

49-B:3 Charter Revisions, Adoptions, Procedure.

I. The municipal officers may determine that the revision of the municipal charter is necessary or that adoption of a new municipal charter is necessary and, by order, provide for the establishment of a charter commission to carry out such purpose as provided in this chapter.

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in the municipality at the last gubernatorial election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter or for the preparation of a new municipal charter in the form and manner provided in this chapter.

III. The following procedure shall be used in the alternate method set out in paragraph II:

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating they will constitute the petitioners' committee, circulate the petition and file it in proper form. The affidavit shall state the names and addresses of the members and specify the address to which all notices to the committee are to be sent. The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition. Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee.

(b) The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary. Petition forms shall be prepared by the municipal clerk at the expense of the municipality.

(1) Petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof.

Municipality of.....  
 "Each of the undersigned voters respectfully requests the municipal officers to establish a charter commission for the purpose of revising the municipal charter or preparing a new municipal charter." Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of residence of the voter with street and number, if any. No petition shall contain any party or political designation.

(2) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose of the 120th day after the date of issue.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

(4) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.

IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.

(a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.

(b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for an original petition.

(c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.

(d) Any petitions finally determined to be insufficient shall become null and void and of no further force or effect. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order



submit the question for establishment of a charter commission to the voters at the next regular or special municipal election held not less than 60 days thereafter. The question to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

49-B:4 Charter Commission, Membership, Procedure.

I. The charter commission shall consist of 9 members, 6 of whom shall be voters of the municipality elected as hereinafter provided and 3 of whom shall be appointed by the municipal officers.

(a) Voter members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. Election of voter members shall be held at the same municipal election as the referendum for the charter commission. The names of the candidates shall be arranged alphabetically by surname immediately below the question relating to the charter commission.

(b) Appointive members need not be residents of the municipality, but only one may be a municipal officer. Appointments shall be made in accordance with municipal custom or bylaws and shall be made by the municipal officers within 30 days after the adoption of the charter commission.

II. The municipal clerk shall immediately after receiving notice of the appointment of the members by the municipal officers notify the appointed and elected members of the charter commission of the date, time and place of the organizational meeting of the charter commission. Such date, time and place shall be fixed by the clerk and 7 days' notice thereof shall be given. The charter commission shall organize by electing from its members a chairman, vice chairman and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality except that a vacancy among appointive members shall be promptly filled by the municipal officers. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees and consultants as are deemed necessary within the limits of its budget.

IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal

officers, officials and employees during ordinary working hours. Within 20 days after the election of a charter commission, the municipal officers shall credit to the charter commission account the sum of \$100. A municipality may from time to time appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed or transferred from surplus.

(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private; provided, that no contribution of more than \$5 shall be accepted from any other source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.

V. Within 30 days after its organizational meeting the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within 9 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revisions which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same. Within 12 months after its election, the charter commission shall submit to the municipal officers its final report which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 10 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least 30 days after the filing of the final report.

VII. The charter commission shall continue in existence for 30 days after submission of its final report to the municipal officers for the purpose of winding up its affairs.

49-B:5 Charter Amendments, Procedure.

I. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, IV (a). Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held not less than 30 days after the order is passed; or they may order a special election to be held not less than 30 days from the date of the order for the purpose of voting on the proposed amendments.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last gubernatorial election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below.

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

III. The petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof.

Municipality of.....

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below." No more than one subject may be included in a petition. In all other respects the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under RSA 49-B:3 including procedures relating to filing, sufficiency and amendments.

IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

(b) Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers.

(c) On all petitions filed more than 120 days prior to the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or special municipal election held within said year after the filing of the final report. If there is no such election to be held before the end of the current municipal year, the municipal officers shall order a special election to be held before the end of the current municipal year for the purposes of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

49-B:6 Submission to Voters. The method of voting at municipal elections when a question relating to a charter revision, a charter adoption or a charter amendment is involved shall be in the manner prescribed for municipal elections.

I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

II. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

III. Voter information:

(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office and shall post the report in the same manner that proposed ordinances are posted.

(b) In the case of a charter amendment, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. If a majority of the ballots cast on any question under paragraph I and II favor acceptance, the new charter, charter revision or charter amendment becomes effective as provided below, provided the total number of votes cast for and against the question equals or exceeds 30 percent of the total votes cast in the municipality at the next previous gubernatorial election.

(a) Charter revisions or new charters adopted by the voters shall become effective immediately but only for the purpose of conducting necessary elections, otherwise charter revisions and new charters become effective on the first day of the next succeeding municipal year.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

49-B:7 Recording. Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign duplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the secretary of state and one certificate shall be deposited in the office of the municipal clerk.

49-B:8 Ordinance, Power Limited. Any municipality may, by the adoption, amendment or repeal of ordinances or bylaws, exercise any power or function which the legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the constitution, general laws or charter. No change in the composition, mode of election or terms of office of the legislative body, the mayor or the manager of any municipality may be accomplished by bylaw or ordinance.

49-B:9 Private, Special and General Laws. Private, special and general laws applying to a municipality or adopted by a municipality shall continue in force and effect unless repealed by a charter, revision, adoption or amendment under this chapter relating to its subject matter.

49-B:10 Judicial Review.

I. The superior court may, upon petition of 10 voters of the municipality or on petition of the attorney general, enforce this chapter.

II. A petition for declaratory relief may be brought on behalf of the public by the attorney general or, by leave of the court, by 10 voters of the municipality. In the case of the petition of 10 voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may, in the court's discretion, also be awarded costs, which may include reasonable attorney's fees.

III. Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of 10 voters of the municipality brought within 30 days after the election at which such charter, revision or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this chapter and the validity of the manner in which such charter adoption, revision or amendment was approved shall be conclusively presumed. No charter adoption,

revision of amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendments.

49-B:11 Construction. This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect the purposes thereof.

2. Repeal. RSA 40-A relative to representative town meetings is hereby repealed.

3. Repeal. RSA 49-A relative to local option city charters is hereby repealed.

4. Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Richard Hanson explained the committee report and yielded to questions.

Question being on the committee report. On a voice vote, the Speaker was in doubt and requested a division.

131 members having voted in the affirmative and 88 in the negative, the motion lost lacking the necessary two-thirds when less than two-thirds of the members are present and voting.

Rep. Richard Hanson moved that HB 6 be laid upon the table.

Adopted.

HB 11, relative to the custody of the jail and house of correction in Strafford County. Inexpedient to Legislate. Rep. Mann for Municipal and County Government. Bill not necessary at this time.

Resolution adopted.

HB 12, prohibiting the Strafford county attorney from engaging in the private practice of law. Inexpedient to Legislate. Rep. Packard for Municipal and County Government.

Premature at this time.

Resolution adopted.

HB 13, limiting the liability of municipalities for property damage. Ought to Pass. Rep. Pepitone for Municipal and County Government.

Lack of complete control over these structures (dams, etc.) makes this legislation necessary.

Rep. Donald Smith spoke to the committee report.

Ordered to third reading.

HB 24, reducing the debt limit of the city of Nashua. Ought to Pass. Rep. Fillback for Municipal and County Government.

In view of the fact that this bill was passed in this form as amended by the House, but held by the Senate Committee without bringing it up for action in the Regular Session, it is only fair that we pass the bill and have the Senate bring it to the floor for consideration.

Ordered to third reading.



HB 36, relative to legalizing action taken at various town meetings and special town meetings. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

This bill is recommended because it is needed by these towns to legalize certain appropriations. All problems seem to be of minor nature and there was no opposition.

#### Amendment

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Town of Hudson. All acts, votes and proceedings of the town meetings of the town of Hudson held on March 15, 1968 and March 3, 1976 are hereby legalized, ratified and confirmed.

11 Effective Date. This act shall take effect upon its passage.

Rep. Richard Hanson explained the committee report.

Amendment adopted.

Ordered to third reading.

HB 44, enabling the trustees of the university system to reimburse certain municipalities for services rendered. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

The Committee feels that this legislation should be passed so the trustees of the University System may refund the towns and cities for necessary services rendered.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Reimbursement for Municipal Services. Amend RSA 187:8 by inserting after paragraph X the following new paragraph:

XI. To reimburse cities or towns for municipal services including, fire protection, police protection and garbage disposal rendered to the university system.

Amendment adopted.

Rep. Neil McIver spoke in favor of the committee report.

Rep. Richard Hanson moved that a communication read by Rep. McIver be printed in the Journal.

Adopted.

Dear Chancellor Poulton:

In order to remove any questions about the legislative intent of HB 44 as amended by the House Committee on Municipal and County Government, I am writing to inform you that the purpose of HB 44 is to permit the trustees of the university system to reimburse cities or towns for municipal services.

HB 44 in no way requires that any reimbursement be made.

Nor is HB 44 intended to enable any town or city to bill the university system.

Rep. Neil McIver

Ordered to third reading.

HB 66, relative to Hillsborough County budgetary procedures. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

This bill is recommended for Hillsborough County so that the towns and cities may benefit for setting tax rates at earlier times.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Hillsborough County Procedure. Amend RSA 24 by inserting after section 13-b the following new section:

24:13-c Hillsborough County.

Notwithstanding any other law to the contrary the following procedures shall apply in Hillsborough county:

I. The county commissioners shall deliver or mail to each member of the county convention, the chairman of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to the fifteenth day of August a statement of the condition of the county treasury depicting expenditures and income on the preceding June thirtieth.

II. Not later than March 31 of each year, each department head shall mail or deliver to the county commissioners their itemized recommendations of the sums necessary to operate their department for the next year.

III. The county commissioners shall mail or deliver to the executive committee of the county convention and each other member of the county convention and to the chairman of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to May 10 annually, their itemized recommendations of the sums necessary to be raised by the county for the year next ensuing. They shall state in detail the objects for which the money is required and the sources of revenue to fund such recommendations. They shall also provide a statement of actual income and expenditures for at least 9 months of the preceding fiscal year. The county commissioners shall conduct a public hearing on such itemized recommendations prior to said May 10 submission date.

IV. The county convention shall not vote appropriations for the ensuing budget period until 28 days have elapsed from the mailing of the recommendations specified in paragraph III. All moneys to be appropriated by the county must be stipulated in the budget on a "gross" basis, showing revenues from all sources, including gifts, grants, bequests and bond issues, as off-setting revenues to appropriations affected. The executive committee shall conduct at least one public hearing on the budget recommendations submitted by the commissioners and said executive committee shall also conduct at least one public hearing on the budget in the form in which it is to be submitted to the county convention.



V. The appropriations voted pursuant to RSA 24:13 shall be itemized in detail and a record thereof shall be kept by the clerk of the county convention and the county treasurer. The executive committee of the county convention is authorized to review the expenditures of the county after adoption of the county budget. Such review may occur as often as voted by the executive committee, but not less than quarterly. The executive committee or the county convention may require the county commissioners to report once each quarter to the county convention or to the executive committee the expenditures of the county as compared to the budget as voted.

VI. Any request to transfer funds must be made in writing by a department head to the county commissioners who, if they approve same, shall report in writing their recommendation to the executive committee. The executive committee by majority vote may approve such transfer of funds in whole or in part.

VII. The county convention shall adopt its annual budget not later than September first. If the county convention fails to adopt its annual budget by June 30 then said convention is authorized to enact a continuing operating resolution which authorizes the county officials to make expenditures at the same level as the previous year's authorized operating budget, exclusive of capital items. If the county convention does not adopt its annual budget by September first, the budget as proposed by the county commissioners shall take effect.

VIII. Upon written recommendation of the county commissioners and upon mailing or delivering such recommendations to the persons specified in paragraph III, the county delegation may vote a supplemental appropriation after the adoption of the annual county budget. The funding for such supplemental appropriation shall be made, after a public hearing, held for the purpose, by the executive committee and with the approval of the county convention, by the following methods, singularly or in combination as determined by the county convention.

- (a) from a county contingency fund established for such purpose;
- (b) from available current surplus;
- (c) by raising the amount from county taxes to be imposed in the next fiscal year;
- (d) from such other funds that are made available to the county.

IX. The final form of the annual county budget and the final form of all supplemental county appropriations shall be filed with the secretary of state, the county treasurer, the chairman of the board of selectmen in each town or the mayor of each city within the county and the commissioner of revenue administration not later than 30 days after the adoption of the annual budget or supplemental appropriation and shall be signed by the chairman and clerk of the county convention.

X. Upon receipt of the annual county budget the department of revenue administration shall examine such budget and delete any appropriation not made in accordance with law. The department shall determine the total amount of funds necessary to be raised by the county tax which shall be apportioned pursuant to RSA 76:1. The amount of money each municipality is required to contribute to the county shall be forwarded to the county treasurer who shall issue his warrant pursuant to RSA 29:11.

2 County Tax Penalties; Hillsborough Provisions Specified. Amend RSA 29:11, as amended, by striking out said section and inserting in place thereof the following:  
29:11 Tax Warrants and Extents.

I. The treasurer shall issue his warrant to the selectmen of the several towns in the county liable to pay state taxes, requiring them to assess, collect, and pay to the treasurer, within such time as shall be therein directed, their just proportion of all taxes granted by the county convention, according to their proportion of public taxes for the time being, and shall enforce the collection and payment thereof, together with interest at 10 percent a year from December seventh upon all taxes not then paid, in the same manner as the state treasurer may enforce the collection of state taxes, and the county tax assessed against any town shall not be deemed paid until the whole amount of the warrant together with said interest from December seventh to the date of payment has been received by said treasurer.

II. Notwithstanding the provisions of paragraph I of this section, the interest payment penalty provided in said paragraph shall not apply in Hillsborough county if payment of the tax bill is made within 30 days of its receipt by the taxpayer.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 8, relative to the Livermore Falls Gorge study commission. Ought to Pass. Rep. Dickinson for Resources, Recreation and Development.

The Committee believes this bill is fully justified because appointments to the Study Commission were not completed until late 1977 and, therefore its work has not been completed. Unanimous vote.

Ordered to third reading.

HB 9, to reclassify part of the Pennichuck brook. Ought to Pass. Rep. Dickinson for Resources, Recreation and Development.

This bill reclassifies a portion of the Pennichuck Brook to permit the use of part of the stream as a natural purification system in conjunction with the proposed Pennichuck water treatment plant.

HB 9 will help to meet Nashua's critical water needs. Vote was 9 - 3.

Ordered to third reading.

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system. Ought to Pass with Amendment. Rep. Dickinson for Resources, Recreation and Development.

This bill enables the State to recognize and maintain the valuable qualities of our New Hampshire rivers. Further, this bill implements a priority section of our State Recreation Plan which is necessary to qualify for HCRS (formerly known as BOR) funds. Unanimous vote.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 483-A the following new chapter:

#### CHAPTER 483-B

#### Wild, Scenic and Recreational Rivers System

483-B:1 Purpose. The state of New Hampshire finds that certain New Hampshire rivers and their immediate environs have outstanding wild, scenic and recreational quality valuable to present and future generations. It is also recognized that a policy of dam construction, channelization and alteration of New Hampshire's rivers, and river area land use and development should be complemented by a policy of protecting, preserving and enhancing the natural and recreational qualities of certain rivers as part of a New Hampshire wild, scenic and recreational rivers system. To achieve this policy for the benefit of present and future generations, there is hereby created a process for establishing a system of wild, scenic and recreational rivers which shall consist of such rivers, or parts thereof, as may be designated.

483-B:2 Definitions. Unless clearly indicated otherwise by the context:

I. "Department" means the department of resources and economic development.

II. "Council" means the council on resources and development.

III. "Identified river" means a river or river segment which has been identified by the joint committee on rivers of the general court as having significant potential as wild, scenic or recreational river and is worthy of detailed study and planning.

IV. "Designated river" means a river which has been officially designated by the general court, following a detailed river study and plan, as part of a New Hampshire wild, scenic and recreational rivers system.

V. "River" means a flowing body of water or estuary or a section, portion or tributary thereof, including rivers, streams, creeks, brooks and small lakes.

VI. "River area" means a river and the land in its immediate environs as deemed appropriate for the detailed study, planning, and management of said river.

VII. "Entity" means an individual or interested group who proposes identification and designation of a river or segment thereof.

VIII. "Category" means a wild, scenic or recreational river.

483-B:3 Eligibility. To be eligible for inclusion in the New Hampshire wild, scenic or recreational rivers system, a river or segment of a river and its adjacent lands shall possess outstanding wild, scenic and recreational values. The river or its segments shall be classified into one or more of 3 classes of rivers: wild, scenic or recreational.

I. Wild Rivers. Wild rivers shall be unspoiled, natural flowing rivers or river segments which have high quality waters, and shorelines which are largely primitive. Wild rivers should be preserved principally for their natural and pristine qualities. Wild rivers should be natural in appearance with very few, if any, man-made intrusions. Although the river area should be natural in appearance, forestry and agriculture uses and a few inconspicuous dwellings could exist within the river area. Wild rivers should be accessible only by trail or logging roads, although one or 2 inconspicuous roads leading to the river area should not necessarily preclude wild river designation. To provide a meaningful wilderness recreational experience, wild rivers should be at least 10 miles long, and have enough water to support canoeing or fishing activities during the recreational season.

II. Scenic Rivers. Scenic rivers shall be unique, natural rivers with outstanding scenery. Scenic river areas should be preserved principally for their aesthetic qualities as perceived from either points on the river or along the river banks. Scenic rivers can include those rivers which have outstanding interpretive, cultural or physiographic attributes or other characteristics which produce a remarkably gratifying visual or educational experience. Scenic rivers should be relatively free of impoundments, have high quality water and be accessible in places by roads. Within the river area, there should be a predominance of native vegetation. Although scenic river areas should be largely undeveloped, the presence of a few settlements or villages and an occasional bridge should not preclude scenic river designation. A wide variety of agricultural uses could exist within the corridor. Scenic rivers should be at least 5 miles long and have enough water during the recreational season to permit the enjoyment of water-related recreational activities.

III. Recreational Rivers. Recreational rivers shall be those rivers or river segments which offer or have the potential to offer outstanding recreational opportunities in natural surroundings. Recreational rivers should be protected for their natural qualities which can provide for certain types of outdoor recreation. Recreational rivers should be readily accessible, have high water quality, and be at least 5 miles long. They should also

have enough water to provide for fishing and canoeing. A recreational river area may have undergone somewhat more development than wild and scenic river areas.

483-B:4 Initial Identification of Rivers. The department shall submit a report which identifies those rivers or river segments having significant potential as wild, scenic or recreational rivers, and are worthy of detailed study and planning for possible designation as part of the New Hampshire wild, scenic and recreational rivers system to the general court no later than January 1, 1979. The joint committee on rivers shall review and act on the report as is or with modifications.

483-B:5 Joint Committee on Rivers. The speaker of the house and the president of the senate shall appoint a joint subcommittee from the members of the respective standing committees on recreation to act on the recommendations of the department concerning identification of potential rivers or river segments.

483-B:6 River Identification Process. Rivers or river segments may be considered for identification as wild, scenic or recreational rivers provided the proposing jurisdiction, agency or organization formally submits a written request for identification, including written justification for the river's identification, to the department. The department shall, upon receipt of a written request and justification, review the river being proposed for identification, taking into consideration the intent of this legislation and the descriptions and criteria for wild, scenic and recreational rivers in this chapter. The department shall submit a report to the joint committee on rivers of the general court in regard to the river being proposed for identification. The joint committee on rivers of the general court shall then decide to identify or not to identify the proposed river as a wild, scenic or recreational river.

483-B:7 Deletion or Change of Status of Identified Rivers. The department, upon becoming aware of changes which may alter the status of an identified river or upon written request by the entity which originally proposed the river for identification, shall investigate and evaluate such changes and submit a report to the joint committee on rivers of the general court. Following receipt of a report from the department, the joint committee on rivers of the general court shall decide whether the river shall continue as an identified river in the river's current category, whether the river shall be identified in another category or whether the river shall be deleted as an identified river.

483-B:8 River Designation Process.

I. A river previously identified as a wild, scenic or recreational river under this chapter may be proposed for official designation in accordance with the following procedure:

(a) The entity intending to propose a river for designation shall form a river area planning committee to provide guidance in the preparation of a detailed river study and plan. The committee shall be formed at the beginning of the river inventory and planning process and shall be involved throughout the process. The river area planning committee membership shall be representative of municipal elected officials, municipal planning and conservation commissions and regional planning commissions in which the river is located. The committee shall also contain representatives from appropriate watershed associations, conservation groups, recreation groups and private property owners.

(b) The entity intending to propose a river for designation shall prepare detailed study and plan of the river. The study and plan shall be prepared in accordance with river inventory and planning guidelines recommended by the department.

(c) At least one public hearing shall be held by the entity on a river study and plan prior to submission to the council. The department shall be notified of hearings at least 30 days prior to the hearing date.

(d) The entity requesting river designation by the general court shall submit to the council a report containing a detailed river study, a river area resource use and protection plan, a river area management plan and program, and detailed minutes or actual transcripts of each public hearing. The river area management plan and program portion of the report shall be sufficiently clear to enable the state of New Hampshire to determine the nature and extent of any requests being made of the state to assist in implementing the river area management plan and program.

II. The council on resources and development shall review the submission of the report specified in subparagraph I (d) and shall submit an advisory report to the general court. The council shall advise the general court within 90 days after the receipt of the river area management plan and program. Absence of council action within the period shall constitute approval by the council.

483-B:9 State Agency Review. All appropriate state agencies shall review administration and management policies, regulations, contracts, and plans concerning lands or resources under their respective jurisdictions that may in any way affect the identified or designated rivers, or portions thereof. Particular attention shall be given to activities which may be contrary to the purposes of this chapter.

483-B:10 Limitations. Nothing contained in this chapter shall be construed as repealing, superseding, nullifying or detracting from in any way the powers of any agency of the state which, by any statutory authority previously granted may have jurisdiction over any of the rivers or river segments identified as wild, scenic or recreational. Nothing in this chapter shall



be construed to abrogate any existing rights, privileges or contracts affecting state lands held by any private party without the consent of such part.

#### 483-B:11 State Action.

I. When a river is identified as a wild, scenic or recreational river by the general court, there shall be no state action pertaining to the identified river which would have the effect of changing the river's category without the review and advice of the council.

II. When a river is officially designated as a wild, scenic or recreational river by the general court, there shall be no state action pertaining to the designated river which would have the effect of changing the river's category.

483-B:12 Cooperative Studies. State agencies may enter into agreements of cooperation with any other state agency or political subdivision providing for state or local government cooperation in studying, planning and administering wild, scenic or recreational rivers.

483-B:13 Planning. In all planning for the use and development of water and related land resources, consideration shall be given by all state and local agencies to identified or designated wild, scenic or recreational rivers, and all plans and projects shall consider such rivers. All state departments, agencies, boards, and commissions shall inform the council of any proceedings, studies, projects or other activities within their jurisdiction which currently affect or may affect any identified or designated rivers of the state.

483-B:14 Financial Assistance. All appropriate state agencies may seek and receive financial and technical assistance from federal, state or local sources for the purposes of this chapter.

483-B:15 National System. Nothing in this chapter shall preclude a component of the state wild, scenic or recreational rivers system from becoming a part of any national wild, scenic or recreational river system. The department may assist any federal studies for inclusion of New Hampshire rivers in a national wild, scenic or recreational rivers system.

483-B:16 Political Subdivision. Nothing in this chapter shall affect existing rights of any political subdivision, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers or portions identified as wild, scenic or recreational rivers.

483-B:17 Municipalities. All municipalities containing segments of identified wild, scenic or recreational rivers are encouraged to study the problems and assets of these rivers within their jurisdiction, to review existing policies, plans and programs affecting the rivers and their adjacent lands, and to determine the adequacy of existing policies, plans and programs relating to the intent of wild, scenic or recreational rivers as expressed in this act.

483-B:18 Special River Area Resource Districts. For the purpose of carrying out the intent of this chapter municipalities are authorized to establish special river area resource zoning districts as an integral part of existing and future municipal zoning ordinances. River area resources zoning shall be expressly related to and within the scope and intent of the policies and definitions of this chapter, and shall only relate to rivers or segments of rivers which have been identified or designated as wild, scenic or recreational rivers according to this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Dickinson explained the committee report.

Amendment adopted.

Ordered to third reading.

HB 48, establishing public guardian offices and relative to professional guardians. Ought to Pass. Rep. Cotton for State Institutions.

This bill establishes the office of public guardian in the probate courts of Belknap and Merrimack Counties to provide guardian or conservator services to those people who qualify and do not have anyone available to perform those functions. The public guardian will perform the same function as a private guardian and a guardian advisory council is established to oversee the work of the public guardians.

Adopted.

Referred to Appropriations.

HB 60, relative to emergency diagnostic detention. Ought to Pass. Rep. Aeschliman for State Institutions.

This bill establishes civil procedures relating to emergency diagnostic detention, requiring that a criterion be met before detention and providing for protection of the rights of the detainee. This bill is urgent because the present statute is probably unconstitutional.

Adopted.

Referred to Appropriations.

HB 64, forbidding the confinement of children in adult correctional facilities. Ought to Pass. Rep. Rich for State Institutions.

The Committee unanimously voted this bill Ought to Pass. It brings 169:14 into conformity with other sections of Chapter 169. This is important for retention of federal funds. The bill provides that juveniles cannot be committed to adult facilities unless the juvenile is certified as an adult or a complete separation is provided.

Ordered to third reading.



HB 53, enabling towns and cities to adopt ordinances regulating the giving of massages. Inexpedient to Legislate. Rep. Raymond Conley for Statutory Revision.

Issue should be resolved by statewide regulations to insure uniform enforcement. HB 65 presents better format and is endorsed by Attorney General's Office.

Resolution adopted.

HB 38, providing for public hearing before transfer or assignment of any railroad franchise. Ought to Pass. Rep. James Murray for Transportation.

The Committee concurs with the intent of this bill, which is to allow the users of railroads the right to know of any change in railroad ownership or operation.

Ordered to third reading.

HB 42, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns. Ought to Pass. Rep. James Murray for Transportation.

The intent of this bill is to establish a uniform, state-wide tax on boats. Presently, each city or town decides the tax rate, if boats are taxed at all. Present laws are inequitable, unfair and unenforceable.

Rep. Marshall French offered an amendment.

#### Amendment

Amend RSA 72-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following: 72-A:5 Distribution. On October 1 of each year, the state treasurer shall distribute the amount of the boat tax collected on boats registered pursuant to RSA 270:3, to the city or town in which the boat was registered.

The Assistant Clerk read the amendment.

Reps. Rose, Lawton and James Murray spoke in favor of the amendment and yielded to questions.

Rep. Marshall French yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 55, reducing the penalty for operating an overloaded vehicle. Ought to Pass with Amendment. Rep. James Murray for Transportation.

By reducing the penalties for overweight and oversize vehicles from felonies (in the case of corporations) and misdemeanors (in the case of individuals) to violations, this bill makes the punishment for these motor vehicle offenses proportional to the severity of the offense. Law enforcement officials and judges are reluctant to prosecute and convict

truckers who will acquire criminal records for violating the present law. Changing the law will likely result in better enforcement of these statutes. The Committee amendment makes the change effective on passage.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following: 3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Erler moved that HB 55 be Indefinitely Postponed and yielded to questions.

Reps. James Murray, Marshall French and Chambers spoke against the motion and yielded to questions.

Rep. Eugene Daniell spoke in favor of the motion.

Rep. Plourde spoke to the bill.

A roll call was requested. Sufficiently seconded. Adopted.

(Speaker Presiding)

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YEAS 63

BELKNAP: Bowler.

CARROLL: Dickinson and Towle.

CHESHIRE: Fillback and Matson.

COOS: Fortier, Keough, Oleson and Mabel Richardson.

GRAFTON: Ira Allen and George Cate.

HILLSBOROUGH: Bednar, Emile Boisvert, Bosse, Coburn, Mark Connolly, Gelinias, Granger, Sal Grasso, Knight, Mazur, Morrison, Nemzoff-Berman, Kerry O'Connor, Peters, Paul Riley, Stahl and Harold Thomson.

MERRIMACK: Bellerose, Chandler, Eugene Daniell, Hess, Polly Johnson, Kidder, Rich and Tarr.

ROCKINGHAM: Barka, Bisbee, Blake, Cutcliffe, Erler, Gaskill, Griffin, Hoar, Jones, Maynard, Joseph McEachern, Rogers, Schwaner and Splaine.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Joncas, McManus, Sackett, Tripp and Voll.

SULLIVAN: Ingram, Palmer, Spaulding and George Wiggins.

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BELKNAP: Beard, Marshall French, Hildreth, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Moore, Proctor, Margaret Ramsay, Terry, Vrakatisis and Whipple.

COOS: Burns, Cooney, Horton, Hunt, George Lemire, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Chambers, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Logan, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Aubut, Baker, Belanger, Albert Bellemore, Wilfrid Boisvert, Burke, Carswell, Chagnon, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Lamy, Armand Lemire, Levesque, Lyons, McDonough, McGlynn, McLaughlin, Fred Murray, Nardi, O'Neil, Orcutt, Pappas, Plomaritis, Podles, Polak, Record, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stylianos, Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Foley, Richard Hanson, James Humphrey, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Plourde, Ralph, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cunningham, Danforth, Davis, Beverly Gage, Carl Gage, Ganley, Gibbons, Goff, Gould, Greene, Kane, Kashulines, Krasker, Nelson, O'Keefe, Parolise, Parr, Quimby, Richards, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Valley, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Lewko, Lucas, Scott, Sara Townsend and Tucker, and the motion lost.

Ordered to third reading.

HB 61, relative to fees for certificates of title and inspection stickers. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill, which received unanimous support, reinstates the fees for certificates of title and inspection stickers that were raised in the 1977 regular session. The State Supreme Court later ruled that the increased fees could not be used for the purposes for which they were raised. By reinstating the old fees, the Legislature will prevent money from being raised that is not needed at the present time.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Fee Reduced. Amend RSA 269-A:28, I, (c) (supp) as inserted by 1967, 357:1 as amended by striking out in line one the number "5" and inserting in place thereof the number (2) so that said subparagraph as amended shall read as follows:

(c) for a certificate of title after transfer, \$2;

2 Fee Reduced. Amend RSA 260:15 (supp) as amended by striking out said section and inserting in place thereof the following:

260:15 --Fee. The fee for inspection stickers shall be \$.15 for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division of motor vehicles shall be refundable at the rate of \$.15 each, except that unused stickers purchased from the division of motor vehicles for a fee of \$.65 shall be refundable at the rate of \$.65 each.

Rep. James Murray yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill, which received unanimous committee support, saves local taxpayers the cost of motor vehicle registration fees that companies operating such vehicles on behalf of local communities would otherwise pass on to those communities employing them. The Committee amendment exempts diesel farm tractors from gasoline taxes. Recent changes in the motor vehicle registration form make these vehicles subject to the state fuel tax which owners of diesel-powered vehicles designed for highway use are required to pay.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Farm Tractors Exempted from Tolls. Amend RSA 265:22 by inserting after paragraph 1-a the following new paragraph:

I-b. Diesel farm tractors used exclusively by a local farmer incidental to his farming operations and requiring only incidental use of a public highway shall be exempt from the provisions of paragraph I.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Howard offered an amendment and spoke to her amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and relative to road toll rebates.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Amend Date. Amend 1977, 193:2 by striking out said section and inserting in place thereof the following:

193:2 Effective Date. This act shall take effect September 12, 1975.

5 Effective Date. This act shall take effect upon its passage.

A division was requested.

116 members having voted in the affirmative and 128 in the negative, the amendment lost.

Ordered to third reading.

HB 23, relative to prorating property tax exemptions during the transition to the optional fiscal year. Ought to Pass. Rep. Elmer Johnson for Ways.

The Committee voted unanimously to report this bill favorably as needed legislation for those municipalities electing to convert from a calendar year to a fiscal year in order to provide a more fluid transition.

Ordered to third reading.

HB 33, imposing a tax on capital gains and making an appropriation to the department of revenue administration. Without Recommendation. Rep. Kenneth Smith for Ways and Means.

After the motion Inexpedient to Legislate failed it was then moved to report HB 33 as Ought to Pass with Amendment. This vote ended in a 7 - 7 tie. It was then the unanimous vote of the Committee to report this bill Without Recommendation.

Rep. McLane moved that HB 33 be reported, Ought to Pass, spoke to her motion and yielded to questions.

Rep. Plourde spoke against the motion.

Rep. Wallin offered an amendment, requested to dispense with the reading of the amendment, and explained the amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 77 by inserting after section 1 the following new section:

77:1-a Definitions. In this chapter:

I. "Interest and dividends income" means that income taxable pursuant to RSA 77:4, I-IV.

II. "Net gains income" means that income taxable pursuant to RSA 77:4, V.

2 Liability for Tax. Amend the unnumbered introductory paragraph of RSA 77:3 by striking out said paragraph and inserting in place thereof the following:

77:3 Who Taxable; Interest and Dividends. Taxable interest and dividend income is that received during the calendar year prior to the assessment of the tax by:

3 Liability for Capital Gains Tax. Amend RSA 77 by inserting after section 3 the following new section:

77:3-a Who Taxable; Net Gains. Taxable net gains are those received during the calendar year prior to the assessment of the tax by:

(a) Individuals who are inhabitants or residents of this state on January first in any year, and individuals who have ceased to be residents of this state during the preceding calendar year for such part of the year as they were residents in this state.

(b) Fiduciaries deriving their appointment from a court of this state, and as hereinafter provided.

(c) Individuals who are not inhabitants or residents of this state and have derived net gains from the sale, exchange or other disposition of property, real or personal, or both, located within this state.

4 What Taxed. Amend RSA 77:4 by inserting after paragraph IV the following new paragraph:

V. The amount shown as net gain from the sale of property, real or personal or both, tangible or intangible or both, excluding the taxpayer's principal place of abode, on schedule D or equivalent schedule of the individual's United States income tax return.

5 Credit for Other Taxes. Amend RSA 77 by inserting after section 4-a the following new section:

77:4-b Credit for Tax Paid Other States on Individual's Gains.

1. A credit against the net gains income tax imposed under this chapter shall be allowed for a tax paid to another state with respect to any gain from the sale or exchange of real or personal property located in that state; provided that such other state grants such a credit for taxes paid to this state with respect to gains from the sale or exchange of real or personal property located in this state. The credit allowed herein shall not exceed the lesser of

(a) the tax paid to the other state with respect to such a gain or



(b) that portion of the total tax due on net gains under said chapter which the amount of gain taxed in both this and another state and qualifying for this credit bears to the entire net gain of the taxpayer for the same taxable year for which a return is filed under said chapter.

II. If the taxpayer is allowed credit under this section based on more or less of another state's tax than he is finally required to pay, the taxpayer shall send notice of the difference to the commissioner who shall redetermine the tax for any years affected regardless of any otherwise applicable statute of limitations.

6 Exemption. amend RSA 77:5 by inserting after paragraph IV the following new paragraph:

V. Net gains income of \$1,000. No exemptions under paragraphs I-IV shall apply to net gains income.

7 Capital Distribution Taxation. Amend RSA 77:7 by striking out said section and inserting in place thereof the following:

77:7 Capital Distribution. No distribution of capital, whether in liquidation or otherwise, shall be taxable as interest and dividends income, but accumulated profits shall not be regarded as capital.

8 Taxability of Partnerships. Amend RSA 77:14 by striking out said section and inserting in place thereof the following:

77:14 Partnerships. Partnerships having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to interest and dividends income taxes imposed by this chapter. If any of the members of the partnership are not inhabitants of this state only so much of the interest and dividends income thereof as is proportionate to the aggregate interest of the partners who are inhabitants of this state in the profits of the partnership shall be taxed.

9 Distribution Formula. Amend RSA 77:34 (supp) as amended by striking out said section and inserting in place thereof the following:

77:34 Distribution. The commissioner of revenue administration shall determine the expenses of administration for the year in which the interest and dividends income and the net gains income taxes are assessed and shall certify to the state treasurer the amounts of the remaining balances of the interests and dividends income and the net gains income taxes, after the expenses of administration have been deducted from each. A sum equal to 90 percent of the remaining balance of the interest and dividends income tax receipts, but none of the receipts of the net gains income tax, shall be distributed on August 1 of that year to the cities and towns according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local government, exclusive of education funds; dividing that sum by the local equalized valuation as determined by the board of taxation; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such

equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount of revenue to be shared by the cities and towns to produce the annual share for each city or town. Provided, however, that no city or town shall receive under the provisions of this section an amount less than it received in the distribution of the interest and dividends tax revenues of August 1, 1976. The funds for any such adjustment shall be provided by a pro rata reduction in the amount distributed to those cities and towns otherwise receiving more than in the distribution of August 1, 1976. The remaining 10 percent of the balance shall go into the general fund. The remaining balance of the net gains income tax receipts shall be applied to the state's obligation for tuition costs for the education of handicapped children pursuant to RSA 186-A:8 and are hereby appropriated to the department of education for that purpose. Any excess revenues shall lapse to the general fund. Provided, that any interest and penalties collected may be retained by the state and applied to the expenses of administration.

10 Rule-making Authority. Amend RSA 77 by inserting after section 35 the following new section:

77:36 Commissioner to Make Rules. The commissioner of revenue administration shall make such rules as are necessary to prevent double taxation on net gains income under this chapter and RSA 77-A.

11 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 1979 is hereby appropriated to the department of revenue administration for the purpose of administering the provisions of this act, including the acquisition of additional office space. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect July 1, 1978, provided that sections 1 through 8 shall apply to returns and taxes due on account of taxable periods ending on or before December 31, 1978.

Reps. Kenneth Smith, Emma Wheeler, Crory, Splaine, George Wiggins, Lawton and Griffin spoke against the amendment.

Reps. Wallin and McManus spoke in favor of the amendment.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Rep. Towle requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 68 NAYS 224

YEAS 68

BELKNAP: Bowler.

CARROLL: Found.

CHESHIRE: Daniel Eaton, Fillback, Margaret Ramsay and Terry.



COOS: Poulin.

GRAFTON: Copenhagen, Stomberg and Ward.

HILLSBOROUGH: Ahern, Baker, Belanger, Emile Boisvert, Corser, Catherine-Ann Day, Arline Dion, Thomas Hynes, McGlynn, Morrison, Fred Murray, Kerry O'Connor, Orcutt, Pappas, Paul Riley, St. George, Stahl, Wallin and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Eugene Daniell, Hess, McLane, Pardy, Rich, Tarr and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Ganley, Gibbons, Gould, Kane, Krasker, Joseph MacDonald, Maynard, Niebling, Quimby, Alfreda Smith and Vlack.

STRAFFORD: Belhumeur, Burchell, Charles Grassie, Dianne Herchek, Kincaid, McManus, Morrisette, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll and Shirley White.

SULLIVAN: Palmer.

#### NAYS 224

BELKNAP: Beard, Marshall French, Hildreth, Lawton, Mansfield, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Vrakatisis and Whipple.

COOS: Burns, Cooney, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor and Glyneta Thomson.

HILLSBOROUGH: Aubut, Bednar, Albert Bellemore, Wilfrid Boisvert, Bosse, Burke, Carswell, Chagnon, Coburn, Mark Connolly, Margaret Cote, Coughlin, Cullity, L. Penny Dion, Drewiak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Heald, Howard Humphrey, Kaklamanos, Karnis, Lamy, Armand Lemire, Levesque, Lyons, Mazur, McDonough, McLaughlin, Nardi, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler and James White.

MERRIMACK: Bellerose, Bibbo, John Cate, Milton Cate, Chandler, Foley, Camache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McNichol, Mitchell, Mullin, Packard, Arthur Perkins,

Plourde, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy and Erneat Valliere.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Chapman, Connors, Cotton, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Griffin, Hartford, Hoar, Jones, Kashulines, King, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Parr, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Tavitian, Webster and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, James Herchek, Joncas, Joos, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Tripp and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Ingram, Levko, Lucas, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the amendment lost.

Rep. Lawton moved that HB 33 be Indefinitely Postponed.  
Adopted.

HB 39, relative to the liability of ski areas in personal injury actions. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

This bill amends the passenger tramway act to include and make provisions for a skier's responsibility for injuries sustained while skiing. The bill also delineates the areas of ski area responsibility to require the exercise of reasonable care as well as the areas of the skier's responsibility and assumption of certain risks which are inherent in the sport of skiing. It further mandates that ski areas adopt a uniform trail marking system and so mark and designate their trails and slopes. The statute of limitations in which an action must be brought is reduced from four years to two years and further requires that notice of the injury to the skier be given to the ski area within ninety days from the date of the injury sustained. It further sets the liability insurance limits at a minimum of \$300,000.00 coverage per accident. The Committee amendment recognizes that certain risks and dangers are inherent in the sport of skiing and that the skier must assume these risks, but further requires reasonable care to be exercised by the ski area in the operation and conduct of its business enterprise.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Title. Amend RSA 225-A by striking out the title and inserting in place thereof the following:

Chapter 225-A  
Skiers, Ski Area and Passenger  
Tramway Safety

Amend RSA 225-A:1 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

225-A:1 Declaration of Policy. The state of New Hampshire finds that the sport of skiing is practiced by a large number of citizens of the state of New Hampshire, and also that skiing attracts to the state of New Hampshire large numbers of nonresidents significantly contributing to the economy of New Hampshire. Therefore, it shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts and tramways, to ensure that proper design and construction are used, that board accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts, and passenger tramways. The primary responsibility for operation, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices, establish reasonable standards of design and operational practices and make such independent inspections as may be necessary in carrying out this policy. Further, it shall be the policy of the state of New Hampshire to define the primary areas of responsibility of skiers and other users of alpine (downhill) and nordic (cross country and ski jumps) areas, recognizing that the sport of skiing and other ski area activities involve risks and hazards which must be assumed as a matter of law by those engaging in such activities, regardless of all safety measures taken by the ski area operators.

Amend the introductory paragraph of RSA 225-A:23 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

225-A:23 Responsibilities of the Ski Area Operator. It shall be the responsibility of the operator to exercise reasonable care to protect the safety of the passengers and skiers, including but not limited to the maintenance of the following signs and designations:

Amend RSA 225-A:23, II (a) as inserted by section 5 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) A trail board shall be maintained at a prominent location listing the ski area's network of ski trails and slopes in accordance with the aforementioned color code and containing a key to the code in accordance with the above designations; said trail board shall further designate which trails and slopes are open or closed.

Amend RSA 225-A:23, III (b) as inserted by section 5 of the bill by striking out said subparagraph and inserting in place thereof the following:

(b) The operator shall mark the beginning of, and designated access points to, each alpine trail or slope that is closed with a sign in accordance with RSA 225-A:23, I (e).

Amend the introductory paragraph of RSA 225-A:24 as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

225-A:24 Responsibilities of Skiers and Passengers. It is hereby recognized that, regardless of all safety measures which may be taken by the ski area operator, skiing as a sport and the use of passenger tramways associated therewith may be hazardous to the skiers or passengers. Therefore:

Amend RSA 225-A:24, I as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Each person who participates in the sport of skiing accepts as a matter of law, the dangers inherent in the sport, and to that extent may not maintain an action against any operator who has exercised reasonable care for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards or dangers which the skier or passenger assumes as a matter of law include but are not limited to the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks, trees, stumps and other forms of forest growth or debris; lift towers and components thereof (all of the foregoing whether above or below snow surface); pole lines and plainly marked or visible snow making equipment; collisions with other skiers or other persons or with any of the categories included in this paragraph.

Amend RSA 225-A:25, I as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Unless an operator is in violation of this chapter or the regulations of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any passenger or representative thereof; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent operation, construction or maintenance of the passenger tramway itself. Each operator of a passenger tramway, as defined by RSA 225-A:2, I (a) - (g) shall maintain liability insurance with limits of not less than \$300,000 per accident. Provided, that operators of passenger tramways not open to the general public, operated without charge to the users thereof, need not maintain said insurance coverage. This exception shall not apply, however, to tramways operated by schools, ski clubs and other similar organizations.

Rep. Dickinson spoke against the amendment and yielded to questions.

Rep. Arthur Perkins spoke in favor of the amendment and yielded to questions.

Reps. Taffe, LaMott, Howard and Richard Hanson spoke against the amendment.

Reps. Jones and Bosse spoke in favor of the amendment.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Rep. James J. White requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 78 NAYS 204

YEAS 78

BELKNAP: Bowler and Rose.

CARROLL: None.

CHESHIRE: Daniel Eaton, Irvin Gordon, Elmer Johnson, Margaret Ramsay, and Vrakatisis.

COOS: Poulin and Alcide Valliere

GRAFTON: Copenhagen, Crory and Dearborn.

HILLSBOROUGH: Ahern, Aubut, Bosse, Corser, Margaret Cote, Arline Dion, Drewmiak, Girolimon, Daniel Healy, Howard Humphrey, Kaklamanos, McDonough, Nardi, Orcutt, Podles, Record, Simard, St. George, Stahl, Sullivan, Van Loan, James J. White and M. Arnold Wight.

MERRIMACK: Bodi, Milton Cate, Pardy, Arthur Perkins, Plourde, Rice and Rich.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Carpenito, Chapman, Connors, Cotton, Dunfey, Carl Gage, Ganley, Gaskill, Gibbons, Gould, Griffin, Hartford, Hoar, Jones, Kane, Krasker, Joseph MacDonald, Niebling, Quimby, Vlack and Wojnowski.

STRAFFORD: Hebert, Dianne Herchek, James Herchek, McManus, Morrisette, Dennis Ramsey, Schreiber, Valley and Voll.

SULLIVAN: Brodeur, Lewko and Sara Townsend.

NAYS 204

BELKNAP: Beard, Marshall French, Hildreth, Lawton, Mansfield, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Fillback, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Terry and Whipple.

COOS: Burns, Cooney, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, George Cate, Chambers, Cornelius, Duhaime, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Baker, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Burke, Carswell, Chagnon, Coburn, Mark Connolly, Coughlin, Cullity, Catherine-Ann Day, L. Penny Dion, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Heald, Thomas Hynes, Karnis, Armand Lemire, Levesque, Lyons,

Mazur, McGlynn, McLaughlin, Morrison, Fred Murray, Kerry O'Connor, O'Neil, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Paul Riley, Edward Smith, Leonard Smith, Soucy, Spirou, Harold Thomson, Wallace, Wallin and Robert Wheeler.

MERRIMACK: Bellerose, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, William Boucher, Collins, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Coff, Kashulines, King, Maynard, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Parr, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Webster and Helen Wilson.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Charles Grassie, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Osgood, Preston, Ruel, Sackett, Donald Smith, Tripp, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Burrows, D'Amante, Ingram, Lucas, Palmer, Scott, Spaulding, Tucker and George Wiggins and the amendment lost.

Rep. Dickinson offered an amendment.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Title. Amend RSA 225-A by striking out the title and inserting in place thereof the following:

#### Chapter 225-A

Skiers, Ski Area and Passenger  
Tramway Safety

Amend RSA 225-A:1 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

225-A:1 Declaration of Policy. The state of New Hampshire finds that the sport of skiing is practiced by a large number of citizens of the state of New Hampshire, and also that skiing attracts to the state of New Hampshire large numbers of nonresidents significantly contributing to the economy of New Hampshire. Therefore, it shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts and tramways, to ensure that proper design and construction are used, that board accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed



essential to the safe operation of ski tows, ski lifts, and passenger tramways. The primary responsibility for operation, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices, establish reasonable standards of design and operational practices and make such independent inspections as may be necessary in carrying out this policy. Further, it shall be the policy of the state of New Hampshire to define the primary areas of responsibility of skiers and other users of alpine (downhill) and nordic (cross country and ski jumps) areas, recognizing that the sport of skiing and other ski area activities involve risks and hazards which must be assumed as a matter of law by those engaging in such activities, regardless of all safety measures taken by the ski area operators.

Amend RSA 225-A:23, II (a) as inserted by section 5 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) A trail board shall be maintained at a prominent location listing the ski area's network of ski trails and slopes in accordance with the aforementioned color code and containing a key to the code in accordance with the above designations; said trail board shall further designate which trails and slopes are open or closed.

Amend RSA 225-A:23, III (b) as inserted by section 5 of the bill by striking out said subparagraph and inserting in place thereof the following:

(b) The operator shall mark the beginning of, and designated access points to, each alpine trail or slope that is closed with a sign in accordance with RSA 225-A:23, I (e).

Amend the introductory paragraph of RSA 225-A:24 as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

225-A:24 Responsibilities of Skiers and Passengers. It is hereby recognized that, regardless of all safety measures which may be taken by the ski area operator, skiing as a sport and the use of passenger tramways associated therewith may be hazardous to the skiers or passengers. Therefore:

Amend RSA 225-A:25, I as inserted by section 5 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Unless an operator is in violation of this chapter or the regulations of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any passenger or representative thereof; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent operation, construction or maintenance of the passenger tramway itself. Each operator of a passenger tramway, as defined by RSA 225-A:2, I (a) - (g) shall maintain liability insurance with limits of not less than \$300,000 per accident. Provided, that operators of

passenger tramways not open to the general public, operated without charge to the users thereof, need not maintain said insurance coverage. This exception shall not apply, however, to tramways operated by schools, ski clubs and other similar organizations.

Amendment adopted.

Ordered to third reading.

The Speaker stated he had been advised by counsel that House passage of HB 29 could be open to court challenge. He was also advised that the best course for the House to take to protect the House's position on that bill would be to vote again on that bill.

(Although there were 260 members present, the roll call vote on that particular bill did not establish the existence of a quorum and the validity of the House's action could be open to challenge.)

HB 29, relative to non-conforming boilers and unfired pressure vessels (as amended).

Ordered to third reading.

The Subcommittee on Resolutions and Screening having approved its admittance, the Committee on Resources, Recreation and Development offered the following:

#### HOUSE RESOLUTION NO. 4

WHEREAS, our friend and colleague, James Burchell, has served the State of New Hampshire and District 12 of Strafford County in a conscientious and dedicated manner; and

WHEREAS, Representative Burchell has served as an extremely valuable member of the House Committee on Resources, Recreation and Development in the present legislative session; and

WHEREAS, Representative Burchell has exhibited a leadership ability and outstanding potential for a career in government service; and

WHEREAS, only 53 college students are recognized nationally and honored each year for such leadership ability and merit by the Harry S. Truman Scholarship Foundation; and

WHEREAS, Representative Burchell was nominated by the University of New Hampshire for recognition by the Truman Foundation for his significant contributions to state and local government in New Hampshire and for his demonstrated potential as an outstanding leader in the future;

NOW, THEREFORE BE IT RESOLVED, that the New Hampshire House of Representatives join the Committee on Resources, Recreation and Development in congratulating Representative James A. Burchell of Rochester for his receipt of the award of the 1978 Truman Scholar from New Hampshire.

Adopted.



## SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules be so far suspended as to permit the Appropriations Committee to hold hearings on those bills referred to it today without the required notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

## LATE SESSION

Third reading and final passage

HB 29, relative to non-conforming boilers and unfired pressure vessels.

HB 62, relative to regulation of investments of domestic life insurance companies.

HB 43, establishing a hazardous waste management program.

HB 3, establishing an office of health planning and development.

HB 10, establishing the New Hampshire crime commission.

HB 45, relative to amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies.

HB 52, relative to night hunts for coon dogs.

HB 19, conditionally repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay.

HB 39, relative to the liability of ski areas in personal injury actions.

HB 37, concerning the power of Magdalen, New England and Lebanon Colleges to grant degrees.

HB 41, concerning the assignment of temporary justices of the supreme court.

HB 51, providing for the defense and indemnification of state officers and employees against certain claims.

HB 13, limiting the liability of municipalities for property damage.

HB 24, reducing the debt limit of the city of Nashua.

HB 36, relative to legalizing action taken at various town meetings and special town meetings.

HB 44, enabling the trustees of the university system to reimburse certain municipalities for services rendered.

HB 66, relative to Hillsborough County budgetary procedures.

HB 8, relative to the Livermore Falls Gorge study commission.

HB 9, to reclassify part of the Pennichuck brook.

HB 64, forbidding the confinement of children in adult correctional facilities.

HB 38, providing for public hearing before transfer or assignment of any railroad franchise.

HB 42, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns.

HB 55, reducing the penalty for operating an overloaded vehicle.

HB 61, relative to fees for certificates of title and inspection stickers.

HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds.

HB 23, relative to prorating property tax exemptions during the transition to the optional fiscal year.

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system.

## RECESS

(Speaker presiding)

The Speaker called the House to order.

## RECONSIDERATION

Rep. Trachy moved that the House reconsider its action whereby it passed HB 10, establishing the New Hampshire crime commission, and return the bill to second reading and spoke to his motion.

Reconsideration prevailed.

Rep. Trachy moved that HB 10, establishing the New Hampshire crime commission, be made a Special Order for Thursday, April 27.

Adopted.

## RECONSIDERATION

Rep. Kenneth Smith moved that the House reconsider its action whereby it passed HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds, and return the bill to second reading and spoke to his motion.

Adopted.

Rep. Kenneth Smith moved that HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll, be made a Special Order for Thursday, April 27.

Adopted.

## ADDITIONAL SPONSORS

HB 19, conditionally repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay.

Add: Reps. Rounds, Graf. 12; Roberts, Belk. 4; Coutermarsh, Hills 24; Parolise, Rock. 5; and Pucci, Rock. 5.

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

266 members were recorded present.

# HOUSE JOURNAL 10

Thursday, 27 Apr 78

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Let us pray:

"Our Father, we yearn for a better understanding of spiritual things that we may know surely what Thy will is for us and for our - State - (Nation). Give to us clear vision that we may know where to stand and what to stand for - because 'unless we stand for something, we shall fall for anything.'"

Remind us, O God, that Thou hast not resigned. Harassed and troubled by the difficulties and uncertainties of the hour, we rest our minds on Thee, who dost not change. May it ever be in our minds as on our coins that in God we trust. For Jesus' sake. Amen!" - The Rev. Peter Marshall, Chaplain to the U.S. Senate, April 18, 1947 -

Rep. Milton Cate led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Barrett, Crotty, Cecelia Winn, Edmund Keefe, Forsaith Daniels, Morgan, Head, Wolfen, Harold Thomson, Found and Mann, the day, illness.

Reps. Bridges, Anne Gordon, Scranton, Kane, Wiviott, Cort Hansen, Michael Woodard, Duhaime, Myrl Eaton, Stahl, Cotton, Dickinson, Griffin, Helen Wilson, Nemzoff-Berman, Cutcliffe, Kenneth Randall, Taffe, Willev, Gamache, Mullin, Brack, Lynch, Fillback, Cunningham, Tarr, Maurice Levesque, Torrey and Lovejoy, the day, important business.

Rep. Krasker, the day, illness in the family.

## PETITIONS

The Towns of Hampton Falls and Kingston have petitioned the General Court to pass legislation to prohibit utilities, such as the Public Service Company of New Hampshire, from charging consumers, higher rates for facilities not yet in service.

## COMMITTEE REPORTS

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled. Ought to Pass with Amendment. Rep. Chapman for Commerce and Consumer Affairs.

More than 2,000 non-profit corporations have lost their charters because they failed to renew with the Secretary of State. This bill will permit these organizations to be reinstated at minimal cost with less cost and paperwork for the State.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Revival of Corporate Charter. Amend RSA 292 by inserting after section 29 the following new section:

292:30 Revival of Charter.

I. Any corporation whose charter has been repealed, revoked and annulled pursuant to this subdivision may at any time procure a revival of its certificate of incorporation, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts and liabilities which have been secured or imposed by its original charter and all amendments thereto.

II. The revival of the charter may be procured by executing, acknowledging, filing and recording a certificate of revival in the office of the secretary of state, which certificate is signed under oath by an officer of the corporation and which certificate states:

(a) The name of the corporation, which shall be the name it bore when its certificate of incorporation expired

(b) The address at which the business of the corporation is to be carried on;

(c) The names and addresses of all the officers and directors or governing board of the corporation;

(d) That the corporation desiring to be revived and so reviving its charter was organized under the laws of this state;

(e) The facts as may show that the charter has been forfeited pursuant to this subdivision;

(f) That the certificate is filed by authority of those who were directors or members of the governing body of the corporation at the time its charter was repealed, revoked and annulled, or who were elected directors or members of the governing body of the corporation as provided in paragraph VI of this section.

III. Upon the filing of the certificate of revival, the corporation shall be revived with the same force and effect as if its charter had not been forfeited pursuant to this subdivision. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its charter by the corporation, its officers and agents during the time when its charter was forfeited pursuant to this subdivision, with the same force and effect and to all intents and purposes as if the charter had at all times remained in full force and effect. All real and personal property, rights and credits, which belonged to the corporation at the time its charter became forfeited pursuant to this subdivision and which were not disposed of prior to the time of its revival shall be vested in the corporation, after its revival as fully and amply as they were held by the corporation at and before the time its charter became forfeited pursuant to this subdivision, and the corporation after its revival shall be as

exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its charter had at all times remained in full force and effect.

IV. Any corporation seeking to revive its charter under the provisions of this chapter shall pay to the secretary of state a sum equal to all fees in arrears and due at the time its charter became forfeited pursuant to this subdivision plus a fee of \$50.

V. If a sufficient number of the last acting officers of any corporation desiring to revive its charter are not available by reason of death or unknown address, the directors or the corporation or those remaining on the board, even if only one may elect successors to such officers. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the stockholders may elect a full board of directors as provided by the bylaws of the corporation, and shall then elect such officers as are provided by law, by the certificate of incorporation or by the bylaws to carry on the business and affairs of the corporation. A special meeting of the stockholders for the purpose of electing directors may be called by any officer, director or stockholder upon notice, which notice shall state the date, place and time of the meeting and the purpose thereof.

VI. After a revival of the charter of the corporation shall have been effected (except where a special meeting of stockholders has been called in accordance with the provisions of paragraph V), the officers who signed the certificate of revival shall, jointly, forthwith call a special meeting of the stockholders of the corporation upon written notice, which notice shall state the date, place and time of the meeting and the purpose thereof. At the special meeting the stockholders shall elect a full board of directors, which board shall then elect such officers as are provided by law, by the charter or the bylaws to carry on the business and affairs of the corporation.

VII. For the purpose of this subsection the term "director" includes the governing body of a corporation which has no board of directors, and the term "stockholder" includes members of a corporation entitled to vote for members of the corporation's governing body.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A). Inexpedient to Legislate. Rep. George Wiggins for Constitutional Revision.

Committee felt that this bill was not of an "emergency" nature and more information would be available during the regular session.

Rep. William Boucher moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. George Wiggins spoke against the motion.

Reps. Norton, Joseph Eaton and Schwaner spoke in favor of the motion.

Rep. William Boucher moved that HB 17 be made a Special Order for later in the day.

Adopted.

HB 54, relative to landlord and tenant relations. Ought to Pass. Rep. Foley for Constitutional Revision.

After many hours of work the Committee decided that this was a needed and pressing bill.

Rep. Rich moved that HB 54 be made a Special Order for later in the day and spoke to his motion.

Adopted.

#### SUSPENSION OF RULES

Rep. Skinner moved that the rules be so far suspended as to permit the consideration of a committee report on HB 47, to conform the state unemployment compensation law to federal requirements specified in P. L. 94-566 as amended, without the required notice in the Calendar, and spoke to her motion.

Adopted by the necessary two-thirds.

HB 47, to conform the state unemployment compensation law to federal requirements specified in P. L. 94-566 as amended. Ought to Pass with Amendment. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Unanimous vote of Committee to pass this emergency measure to bring certain sections of RSA 282 into conformity with Federal Public Law 94-566.

As amended by the Committee the measure only considers items that cannot wait until the next session of the legislature.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Employer Means. Amend RSA 282:1, G by inserting after subparagraph (10) the following new subparagraphs:

(11) Nonprofit employer means an employing unit for which service in employment as defined in subsection H. (2-a) of this section is performed after December 31, 1977.

(12) Governmental employer means an employing unit for which service in employment as defined in subsection H, (2-b) of this section is performed after December 31, 1977.

2 Employment Means. Amend RSA 282:1, H by inserting after paragraph (2) the following new subparagraphs:

(2-a) Service performed after December 31, 1971, and before January 1, 1978, in the employ of a religious,



charitable, educational or other organization which is excluded from the term "employment" as defined in the Internal Revenue Code solely by reason of section 3306 (c) (8) of that code which was employment under this chapter, and service performed after December 31, 1977, in the employ of such an organization, except as provided in paragraph (4) (a) of this subsection.

(2-b) Service performed before January 1, 1978, in the employ of this state which was employment under this chapter, and service performed after December 31, 1977, in the employ of this state or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions; provided that, such service is excluded from the term "employment" as defined in the Internal Revenue Code by reason of section 3306 (c) (7) of that code and is not excluded from employment under paragraph (4) (s) of this subsection.

3 Employment Does Not Include. Amend RSA 282:1, H, (4) (s) by striking out said subparagraph and inserting in place thereof the following:

(s) For the purposes of paragraph (2) of this subsection the term "employment" does not apply to service performed:

(1) in the employ of (i) a church or convention or association of churches, or (ii) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) in the employ of a governmental employer if such service is performed by an individual in the exercise of duties:

(i) as an elected official;

(ii) as a member of a legislative body or a member of the judiciary of the state or a political subdivision;

(iii) as a member of the state national guard or the air national guard;

(iv) as an employee serving on a temporary or paid call basis in case of fire, storm, snow, earthquake, flood, or similar emergency;

(v) in a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

(4) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning

capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of this state or a political subdivision thereof, by an individual receiving such work relief or work training; or

(6) by an inmate of a custodial or penal institution.

4 Disqualification for Benefits. Amend RSA 282:4 by inserting after paragraph M the following new paragraph:

N (1) On the basis of services performed by an alien unless such an alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a) (7) or section 212(d) (5) of the Immigration and Nationality Act).

(2) Any date or information required of individuals claiming benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all claimants for benefits.

(3) In the case of an individual whose claim for benefits would otherwise be approved, no determination that benefits are not payable to such individual because of his alien status shall be made except upon a preponderance of the evidence.

5 Payment by State. Amend RSA 282:6, A-1 by inserting in line 40 after the words "hereinafore provided." the following (Provided, that the state shall pay into the unemployment fund an amount equivalent to the full amount of regular benefits and the full amount of extended benefits paid to claimants for weeks of unemployment beginning after December 31, 1978, who during the applicable period were paid wages by this state.) so that said paragraph as amended shall read as follows:

A-1. PAYMENT OF CONTRIBUTIONS BY STATE. All other provisions of this chapter to the contrary notwithstanding, the liability of this state for benefits paid shall be as follows: In lieu of contributions required of other employers subject to this chapter the state shall pay into the unemployment compensation fund an amount equivalent to the amount of regular benefits and one-half the amount of extended benefits paid to claimants who during the applicable period were paid wages by this state. If a claimant during such base period was employed by this state and by other employers subject to the provisions of this chapter, the amount to be paid into the



unemployment compensation fund by this state with respect to such claimant shall be the amount of benefits received by the claimant which are in addition to such amount as the claimant was entitled to receive on the basis of the wages paid to such claimant by such other employers. The amount of payments required under this section to be made into the fund shall be ascertained by the commissioner of the department of employment security as soon as practicable after the end of each calendar month and shall, except as provided hereafter, be paid by the comptroller from funds appropriated therefor, provided that if said appropriation is not sufficient to make all such payments or no appropriation is made therefor they shall, upon warrant by the governor, be paid from the general funds of the state, out of any money not otherwise appropriated. If a claimant to whom benefits were paid was paid wages by the state during the base period from a special administrative fund provided for by law, into which monies, in addition to, or other than from the state treasury, are placed, the payment into the unemployment compensation fund shall be made from such special administrative fund in the regular manner provided for disbursing such money. The payment by the state into the unemployment compensation fund shall be made at such times and in such manner as the commissioner of the department of employment security, with the approval of the state comptroller, may determine and prescribe. As to a hospital operated by the state, or a state institution of higher education as otherwise defined in this chapter, an election may be made for the period January 1, 1972 through December 31, 1974 either to reimburse as hereinabove provided or to pay contributions as provided in section 6 of this chapter; as of January 1, 1975 the method of payment shall be by reimbursement as hereinabove provided. Provided, that the state shall pay into the unemployment fund an amount equivalent to the full amount of regular benefits and the full amount of extended benefits paid to claimants for weeks of unemployment beginning after December 31, 1978, who during the applicable period were paid wages by this state.

6 Political Subdivisions. Amend RSA 282:6, A-2 by striking out said subparagraph and inserting in place thereof the following:

A-2. On and after January 1, 1978, the cities, towns, counties and other political subdivisions of this state may elect to finance benefit costs attributable to service in their employ as (i) a contributing employer, (ii) a reimbursing employer, (iii) a rated governmental employer or (iv) a reimbursing employer in a group wherein two or more political subdivisions file a joint certificate with the commissioner for the establishment of a group for the purposes of sharing the cost of benefits paid that are attributable to service in their employ. The joint certificate shall identify and authorize a representative to act for the group for the purposes of the law and, upon filing, the commissioner shall establish a group account

for those employers. Said group account shall be effective as of the beginning of the calendar quarter immediately following the calendar quarter in which said certificate is filed and shall remain in effect for not less than two calendar years and thereafter until terminated upon determination of the group. The establishment of a reimbursing group shall not relieve a member of the group from liability for charges attributable to service in their employ.

(1) Any political subdivision of this state may elect one of the four payment options hereinabove provided or, if no election is made, will become a reimbursing employer for a period of not less than two complete calendar years, except in the event of a later election to join a reimbursing group. Any political subdivision which elects to become a contributing employer shall pay contributions pursuant to the other subsections of this section, other than subsection A-1. Any political subdivision which elects to become a reimbursing employer, not in a reimbursing group, shall make payments in the same manner as provided for this state in subsection A-1 of this section, except that reimbursing payments shall not be required in any greater frequency than on a quarterly basis. A reimbursing employer which participates in a reimbursing group shall make payments into the group's fund in such amounts and in such frequency as is required by the group. Reimbursements from the group fund to the group account shall not be required in any greater frequency than on a quarterly basis. An election of a payment option shall be made by filing with the commissioner a written notice of such election within the 60-day period immediately following January 1 (or within the 60-day period immediately following approval of this act) or within a similar period immediately following the date on which a determination was issued that the governmental employer is subject to this chapter, whichever occurs later.

(2) Any governmental employer making an election under this subsection shall continue under that election until such employer files a written notice of election to terminate its status with the commission. Such notice of termination shall be filed no later than 30 days before the beginning of the calendar quarter for which such termination shall first be effective. Governmental employers, however, may elect, at any time, to revoke a prior election of payment option for the purposes of joining a reimbursing group. However, from the date of participation in said reimbursing group, another election of option may not be made for 2 calendar years.

(3) No rated governmental employer shall be eligible for a rate computed pursuant to paragraph (7) of this subsection until there have been 12 consecutive months immediately preceding the computation date, established in subsection D, (8) of this section, throughout which benefits could have been charged against such employer's account.

(4) Each rated governmental employer which has not been subject to this chapter for a period of time sufficient to have its rate computed pursuant to paragraph (7) of this subsection shall pay contributions quarterly at a calendar year rate expressed as a percentage of covered wages. Such a rate shall be the same for all rated governmental employers which are not eligible for a computed rate pursuant to paragraph (7) of this subsection.

(5) For calendar years 1978 and 1979, the rate for rated governmental employers not eligible for a computed rate shall be equal to the benefit cost experience (benefits paid divided by total wages) of all reimbursing employers in this state during the preceding 12 months ending June 30, 1977.

(6) For calendar year 1980 and thereafter, the rate for rated governmental employers not eligible for a computed rate shall be based upon the cost experience (benefits paid divided by total wages) of all rated governmental employers during the preceding 12 months ending June 30.

(7) Rated governmental employers eligible for a computed rate shall pay contributions quarterly at a calendar year rate to provide a required yield, as follows:

(a) The required yield shall be total wages reported by all rated governmental employers divided by total benefits paid which are attributable to service in the employ of such employers, stated as a percentage rounded to 2 decimal places.

(b) An experience factor shall be computed for each eligible rated employer by dividing benefits paid which are attributable to service in the employ of such employer by wages paid for such service for the 24 month period ending on June 30 preceding the calendar year for which the experience factor is computed.

(c) Contribution rates for the ensuing calendar year shall be computed by adjusting proportionately the required yield, determined under subparagraph (a) of this paragraph, by the aggregate experience factor, determined under subparagraph (b) of this paragraph, rounded to the nearest one-hundredth of one percent. Provided, however, that no employer's contribution rate for any calendar year shall be less than one-tenth of one percent.

(d) If a rated governmental employer's experience factor, computed under subparagraph (b) of this paragraph, exceeds the required yield rate, computed under subparagraph (a) of this paragraph, such employer shall be assessed a surcharge of one-tenth of one percent for the period during which such employer's experience factor continues to exceed the required yield rate.

(e) Notwithstanding the other provisions of this paragraph, computations of rates for rated governmental employers under this paragraph for calendar year 1980 shall be based on experience for the period January 1, 1978, to June 30, 1979, both dates inclusive.

(8) Benefits paid shall be charged to the account of each rated governmental employer as provided in subsection C of this section, except that the full amount of extended benefits paid for weeks for unemployment beginning after December 31, 1978, shall be charged to the account of each such employer.

(9) Benefits paid shall not be charged to the accounts of rated governmental employers in the same manner as benefits paid are not charged to nongovernmental contributing employers, except as provided in paragraph (8) of this subsection.

(10) The commissioner shall promptly notify each rated governmental employer of its rate for the calendar year. The rate will become final unless an appeal is filed in accordance with subsection F of this section.

7 Virgin Islands. Amend the introductory paragraph of RSA 282:1, S by striking out in line 3 the words "or the Virgin Islands" so that said paragraph as amended shall read as follows:

S. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States, except in Canada, after December 31, 1971 in the employ of an American employer, if:

8 Declaration of Unconstitutionality. Notwithstanding anything contained herein to the contrary, if Public Law 94-566 (The Unemployment Compensation Amendments of 1976) is adjudged invalid or unconstitutional in its application to the employees of this state or any of its agencies or political subdivisions by a court of competent jurisdiction, then the coverage of those employees under this act is automatically repealed to the extent of the adjudged inapplicability. Coverage for such employees will then be based on the extent of coverage as it existed prior to the passage of this act. The repeal shall be effective the date of final disposition upon appeal or from the date of expiration of the right of appeal. If the effect of the said Public Law 94-566 as applied to employees of this state or any of its agencies or political subdivisions is suspended by injunction issued by a court of competent jurisdiction, then the coverage of those employees under this act is automatically suspended to the extent of the enjoined applicability of the said law.

9 Repeal. RSA 282:7-D relative to voluntary coverage is hereby repealed.

10 Repeal. RSA 282:1-H, (4) (g) relative to elective coverage is hereby repealed.

11 Repeal. RSA 282:1-H (4) (g) relative to coverage of employees is hereby repealed.

12 Agreement Under the Trade Act. Amend RSA 282:21 (supp) as inserted by 1977, 600:37 by striking out said section and inserting in place thereof the following: 282:21 Agreement Authorized.

I. The department of employment security, through its commissioner, is hereby authorized to enter into an agreement

with the secretary of labor of the United States to act as agent of the United States to carry out the provisions of chapter 2 of title II of the Trade Act of 1974 (P.L. 93-618), and to perform such acts and do all those things necessary to fully carry out such agreement.

II. Said agreement to be effective July 1, 1977 or a date thereafter which is determined to be in the best interest of the state of New Hampshire, its citizens and taxpayers.

III. Solely for the purposes of carrying out the agreement authorized in paragraph I of this section, and notwithstanding other provisions of this chapter to the contrary, the provisions of this section permit (a) the payment of unemployment compensation benefits to an individual undergoing a training or retraining program under said federal law, (b) an individual to receive unemployment compensation benefits though supplemented by a trade readjustment allowance, and (c) the use of monies in the contingent fund provided by RSA 282:10-c for payment to the United States of America where it has been found that there was gross negligence, fraud or failure to take appropriate recovery action by New Hampshire under the terms of the agreement.

13 Repeal. RSA 282:21 relative to agreements under the Trade Act of 1974 is hereby repealed.

14 Effective Date.

I. RSA 282:21 as inserted by section 12 of this bill shall take effect July 1, 1977.

II. Section 13 of this bill shall take effect July 1, 1979.

III. The remainder of this bill shall take effect January 1, 1978.

Rep. Skinner explained the amendment and yielded to questions.

Rep. George Wiggins spoke against the amendment and yielded to questions.

Rep. Gould spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

#### COMMITTEE REPORTS (Cont.)

HB 4, relative to the use of time-of-use and time-of-day rates by electric utilities. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

The Committee felt that there should be a State policy to encourage better management of electrical loads and therefore enthusiastically endorsed the objectives set forth in this bill. However, it was felt that section 2 should be deleted due to the fact that the Public Utilities Commission has already mandated a study into time-of-day/time-of-use electrical load management.

The effective date of the bill was moved ahead to January next in order to provide more lead time for special metering or other steps toward implementation.

#### Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 27, concerning election laws. Ought to Pass with Amendment. Rep. Raymond Conley for Statutory Revision.

This bill as amended corrects some of the conflicts between sections of the RSA not picked up during the election law reform of 1977 and clarifies other sections which caused undue difficulties during the last city and local elections.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Filling Vacancies. Amend RSA 55:4 (supp) as amended by striking out in line 5 the word "biennial" and inserting in place thereof the following (annual meeting or city) so that said section as amended shall read as follows:

55:4 Vacancies. Vacancies in the board shall be filled by the remaining members. If there is only one member of the board, or if the whole board shall be vacant, the moderator shall make the appointments. Any such appointee shall be of the same political party as the supervisor whose place he is filling and he shall hold office until the next annual meeting or city election at which time a supervisor of the check-list shall be elected to serve for the unexpired term of the original elected supervisor of the check-list.

Amend RSA 60:8-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

60:8-a Municipalities Using Voting Machines. Election officials of a municipality which uses voting machines or devices in an election shall not count absentee ballots until the polls are closed. However, election officials in such municipalities may perform all actions except the actual counting of the absentee ballots in the same manner prescribed in RSA 60:8 provided that:

I. The time for commencement of processing absentee ballots shall be posted by the moderator at each polling place with the warrant and shall be publicly announced by the moderator at the opening of the polls; and

II. The time for commencement of processing absentee ballots shall be not earlier than 3 p.m. on election day; and

III. Once processing of absentee ballots has commenced, it shall continue without interruption until completed.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Voting in Person Prohibited. Amend RSA 60:8, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:



II. (a) After announcing the name of the voter, the moderator shall open the envelope containing the ballot so the affidavit on the envelope is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be opened or examined. The moderator shall then have a check mark placed against the name of the absentee voter on the voting list by writing on the voting list the letters "A.V." in red ink, and shall then deposit the ballot in the ballot box.

(b) Notwithstanding any other provision of law, if a red ink "A.V." is properly placed against the name of a voter, that voter against whose name the red ink "A.V." has been placed shall not be permitted to vote in person.

7 Where to File for Office. Amend RSA 56:13 as amended by striking out said section and inserting in place thereof the following:

56:13 --Filing. Declarations of candidacy shall be filed as follows: For governor, for United States senator or for any other officer to be voted for throughout the state, for representative in congress, for councilor, for state senator and for county officer, with the secretary of state; for member of the house of representatives in a representative district containing one town or ward and for delegate to a state convention, with the clerk of the city or town within which such officers are to be voted for. In a representative district containing more than one town or ward the declaration of candidacy by the candidate shall be filed with the clerk of the city or town in which the candidate resides. Persons from unincorporated places shall file with the town clerks of the towns designated by the secretary of state as the place to file under RSA 59:126.

8 Filing Fees. Amend RSA 56:14 by striking out said section and inserting in place thereof the following:

56:14 --Fees for Filing. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees: For governor and for United States senator, \$100; for any state officer, other than governor, to be voted for throughout the state, and for representative in congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for member of the house of representatives, \$2; for supervisor of the checklist, moderator, ward clerk or selectman of a ward, \$1. The fees paid to a town or city clerk shall be paid to the treasurer of the town or city.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Reps. Wilfrid Boisvert offered an amendment.

Amendment

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Moderators Excepted. Amend RSA 59:36-a (supp) as inserted by 1977, 448:1 as amended by striking out said section and inserting in place thereof the following:  
59:36-a Disqualification of Certain Officials.

I. Any election official, elected or appointed, whose name appears on a ballot for an elective position, other than a position of an election official shall be disqualified from performing his duties as election official in said election and there shall be a vacancy in said position for that election which shall be filled pursuant to the applicable provisions of law.

II. Notwithstanding any other provision of law, the restriction of paragraph I of this section shall not apply to any moderator in any city or town.

10 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. Raymond Conley and Wilfrid Boisvert moved that HB 27 be laid upon the table.

Adopted.

HB 65, regulating places where massages are given and their employees. Ought to Pass with Amendment. Rep. Raymond Conley for Statutory Revision.

This bill regulates the occupation of giving massages. Definitions of massage, masseuse, and massage parlor are set out and regulated by a registration process with the division of public health services. The director of the division shall issue a certificate of registration which shall be a prerequisite to the obtaining of any occupational license required. Provision is made for periodic inspection and revocation of the certificate of registration. Compliance with the minimum wage law is required and reciprocity is provided persons licensed under the laws of a foreign jurisdiction.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Massage Parlors. Amend RSA by inserting after 328-A the following new chapter:

#### CHAPTER 328-B

##### Masseurs and Masseuses

328-B:1 Definitions. Unless the context clearly indicates otherwise:

I. "Commissioner" means the commissioner of the department of health and welfare.

II. "Director" means the director of the division of public health services.

III. "Division" means the division of public health services.

IV. "Massage" means to engage in applying a system of activity to the muscular structure of the human body by applying pressure on, friction against, stroking, tapping, kneading and vibrating the body by manual or mechanical means, with or without appliances such as vibrators,



infrared heat, sun lamps and external baths for the purpose of improving muscle tone and circulation and maintaining good health and physical condition.

V. "Massage business" means to engage in the practice of massage for compensation.

VI. "Masseur" and "masseuse" means a person, who practices, administers or teaches all or any one or more of the following subjects and methods of treatments, viz: who administers or teaches treatments with any mechanical or electrical apparatus for the purpose of body slenderizing, body reducing or body contouring. Further, a person who has studied the underlying principles of anatomy and physiology, including the theory of massage, its indications and contra indications, and administers or teaches all or any one or more of the following subjects and methods of treatments, viz: oil rubs, salt glows, hot or coldpacks, all kinds of baths including steam rooms, cabinet baths, sitz baths, colon irrigations, body massage either by hand or by any mechanical or electrical apparatus or device, excluding fever therapy, applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage, tapotement.

VII. "Massage establishment" and "massage parlor" means a building, room, place, or establishment, other than a regularly licensed hospital or licensed outpatient health care facility, where body massage is regularly practiced on the human body, for other than cosmetic or beautifying purposes to the extent regulated under RSA 313 and 314, with or without the use of nonpowered mechanical or bathing devices.

328-B:2 License and Registration Required. It shall be unlawful for any person:

I. To practice or attempt to practice massage for a fee or for a gratuity, or to conduct or teach in a school of massage unless he or she shall first have obtained a license as herein provided and,

II. To operate or work in a massage parlor, school of massage or other massage establishment even though licensed unless said parlor, school, or other establishment is registered as provided by this chapter.

#### 328-B:3 Qualifications for License.

I. Applicants. Upon payment of the fee herein provided and upon written application to the director, applicant shall be eligible to obtain license providing he or she:

(a) is at least 18 years of age,

(b) is of good moral character and temperate habits and,

(c) makes oath that he or she has not been convicted of any offense that would constitute a crime involving moral turpitude.

II. Reciprocity. Upon payment of the fee herein provided and upon written application to the director, the director may issue license to any person licensed in a state, or territory or possession of the United States if the requirements for licensing in that jurisdiction are not in

conflict with the provisions of this chapter and of a standard not less restrictive than that specified in this chapter and if equal reciprocal privileges are granted to licensees of this state.

#### 328-B:4 Massage Parlor Registration.

I. It shall be unlawful for any person, either as owner, manager, or agent, to open, establish, conduct, or maintain a massage parlor, school of massage or any other massage establishment without first having obtained from the director a certificate of registration. Application for registration shall be made to said director in writing and shall state the name and address of the owner of the establishment and the town or city, street and number where the same is located, and such other information as may be required by said director. Upon receipt of such written application, the director shall cause an investigation to be made to determine that the masseurs and masseuses hold licenses or certificates of registration to practice, as herein provided, and that such establishment is, with respect to its location, appointments, equipment and appliances, suitable and sanitary for such purposes, and the director shall then issue to the applicant, upon payment of the fee herein provided, a certificate of registration or a license to conduct the massage parlor, school or massage or other massage establishment at such location until the first day of July following the date of registration.

II. Said director shall annually on the first day of July, upon written application made by a holder of a massage parlor registration or license, if said director shall find that such complies with the provisions hereof, issue a renewal of such registration or license for a period of one year from such July 1st. Such certificate or registration and all masseurs' and masseuses' licenses shall be conspicuously posted within such parlor, school or other establishment.

III. In the event of a change of location of any registered massage parlor, school of massage, or other massage establishment, and upon notice thereof, the director shall issue a transfer of certificate of registration to such at its new location, provided such new location shall meet the requirements hereof. Said director may revoke any certificate of registration or license upon finding that such massage parlor, school of massage or other massage establishment fails to comply with the provisions of this chapter or the rules and regulations prescribed by the director.

328-B:5 Rules and Regulations. The director shall make such uniform and reasonable rules and regulations as are necessary for maintaining proper standards in massage parlors, schools of massage, and other massage establishments and for the proper supervision of masseurs, masseuses, massage parlors, schools of massage and other massage establishments and shall especially prescribe such sanitary rules as may be necessary to promote cleanliness and safety and to prevent the transmission of

communicable diseases. He shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such massage parlors, schools of massage, and other massage establishments, which shall be kept posted in a conspicuous place therein, so as to be easily read. He shall issue notices, licenses and registration certificates and make or cause to be made sanitary inspections of all massage establishments at least once each year.

328-B:6 Fees. The director shall determine the fee for certificates of registration and for licenses which shall accompany all applications.

328-B:7 Grounds for Exclusion. The director may refuse to issue or renew and may suspend or revoke any certificate of registration or any license for any of the following causes:

- I. malpractice or incompetency;
- II. continued practice by a person having an infectious or contagious or communicable disease;
- III. advertising by means of knowingly false and deceptive statements;
- IV. advertising, practicing, or attempting to practice under another's name;
- V. habitual drunkenness or habitual addiction to the use of habit-forming drugs;
- VI. violation of any provision of this chapter or any rule or regulation of the director;
- VII. finding that false representation or statement has been made in order to induce or prevent action by the director;
- VIII. finding that the applicant or holder of certificate of registration or license has been convicted of a crime involving moral turpitude.

328-B:8 Exceptions. The following classes of persons are exempted from this chapter, effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this chapter, and exemptions under this chapter are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted:

- I. Persons authorized by the laws of the state to practice medicine, surgery, osteopathy, chiropractic, naturopathy, physical therapy or podiatry.
- II. Registered nurses under the laws of this state.
- III. Barbers duly licensed under the laws of this state.
- IV. Cosmetologists duly licensed under the laws of this state.
- V. Athletic trainers employed by, or on behalf of, any athletic team located or training within this state.
- VI. Licensed practical nurses, orderlies, attendants, or nurses' aides in hospitals and outpatient health care facilities under the direction of a licensed physician.
- VII. Physical therapists regulated under RSA 328-A.

328-B:9 Minimum Wage. All massage parlors, schools of massage and other

massage establishments as regulated in this chapter shall comply with the minimum wage provisions of RSA 279 with respect to all persons employed therein, including all masseurs and masseuses as defined herein.

328-B:10 Inspections. Any member of the division or any of its authorized representatives shall have power to enter and make examination and inspection of any such massage parlor, school of massage or other massage establishment for the purpose of ascertaining whether or not the rules and regulations of the director and the provisions of this chapter are being observed and to report his findings to the director. No advance notice of such inspection need be given. It shall be the duty of the division to report to proper prosecuting officers all violations of this chapter coming within its knowledge.

328-B:11 Penalty. Whoever conducts or attempts to conduct a massage parlor, school of massage or other massage establishment not registered by said director and whoever violates any provision of RSA 328-B or any rule or regulation made under authority hereof shall be guilty of a misdemeanor.

328-B:12 Injunctions. The superior court shall have power to issue injunctions restraining any person from violating the provisions of this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Collins offered an amendment.

#### Amendment

Amend RSA 328-B as inserted by section 1 of the bill by inserting after section 328-B:12 the following new section:

328-B:13 Home Rule. This chapter shall not be construed to deprive cities or towns of any authority which they otherwise possess or possessed to regulate or bar massage establishments, massage parlors, masseurs or masseuses, but no ordinance, by-law or regulation of any city or town shall relieve any person, firm or corporation from the duty to comply with the provisions of this chapter or any rule adopted pursuant to this chapter.

The Assistant Clerk read the amendment in full.

Rep. Collins explained the amendment.

Rep. Quimby spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Reps. Gibbons and Towle spoke against the bill and yielded to questions.

Rep. Sara Townsend moved that HB 65 be Indefinitely Postponed and spoke to her motion.

Rep. Hartford spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Collins requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 95 NAYS 157

YEAS 95

**BELKNAP:** Beard, Lawton and Morin.

**CARROLL:** Keller, Kenneth Smith and Towle.

**CHESHIRE:** Galloway, Irvin Gordon, Ladd, Marshala, Matson and Terry.

**COOS:** Burns, Cooney, Fortier, Oleson, Poulin, Theriault, Alcide Valliere, Wiswell and York.

**GRAFTON:** Ira Allen, George Cate, Logan, Pepitone, Taylor and Ward.

**HILLSBOROUGH:** Ainley, Baker, Bednar, Belanger, Bosse, Coburn, Joseph Cote, Coughlin, Cullity, Catherine-Ann Day, Drewiak, Glyde Eaton, Joseph Eaton, Granger, Sal Grasso, Heald, Thomas Hynes, Karnis, LaFleur, Lamy, Lyons, Marcoux, Mazur, O'Neil, Orcutt, Paul Riley, Simard, Edward Smith, Leonard Smith and Wallin.

**MERRIMACK:** Bellerose, Bibbo, John Cate, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McNichol, Mitchell, Packard, Pelton, Arthur Perkins, Ralph, Rice, Gerald Smith, Doris Thompson and Waters.

**ROCKINGHAM:** Connors, Gibbons, Goff, Jones, Niebling, Richards and Stimmell.

**STRAFFORD:** Canney, Kincaid, Nadeau, Osgood, Preston, Dennis Ramsey and Voll.

**SULLIVAN:** D'Amante, Desnoyer, Ingram, Palmer, Sara Townsend and George Wiggins.

NAYS 157

**BELKNAP:** Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield and Rose.

**CARROLL:** Roderick Allen, Raymond Conley, Howard and Kenneth MacDonald.

**CHESHIRE:** Daniel Eaton, Krause, Proctor, Margaret Ramsay and Vakatisits.

**COOS:** Horton, Hunt and Neila Woodward.

**GRAFTON:** Aldrich, Chambers, Cornelius, Crory, Dearborn, McAvoy, Neil McIver, Rounds, Snell, Stomberg and Glyneta Thomson.

**HILLSBOROUGH:** Ahern, Aubut, Albert Bellemore, Wilfrid Boisvert, Burke, Carswell, Chagnon, Corser, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Howard Humphrey, Kaklamanos, Knight, Fred Murray, Nardi, Kerry O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Spirou, Stylianos, Sullivan, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and M. Arnold Wight.

**MERRIMACK:** Ayles, Blakeney, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, McLane, Pardy, Rich, Doris Riley, Shepard, Stockman, Trachy and Ernest Valliere.

**ROCKINGHAM:** Aeschliman, Akerman, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins,

Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Kashulines, King, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Norton, Parolise, Parr, Pucci, Quimbv, Anthony Randall, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Vlack, Webster and Wojnowski.

**STRAFFORD:** Appleby, Belhumeur, Burchell, Donnelly, Hebert, Horrigan, Joncas, Joos, Lefavour, Lessard, Maglaras, Maloomian, Meader, Ruel, Sackett, Schreiber, Tripp, Valley and Allen Wilson.

**SULLIVAN:** Barrus, Brodeur, Burrows, Gray, Lewko, Lucas, Scott and Spaulding, and the motion lost.

Reps. Morrison and Plomaritis wished to be recorded in favor of Indefinite Postponement on HB 65.

Question being on the committee report, a roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 174 NAYS 84

YEAS 174

**BELKNAP:** Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield and Rose.

**CARROLL:** Roderick Allen, Raymond Conley, Howard and Kenneth MacDonald.

**CHESHIRE:** Daniel Eaton, Krause, Marshala, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

**COOS:** Cooney, Horton, Hunt, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

**GRAFTON:** Aldrich, Chambers, Cornelius, Crory, Dearborn, LaMott, Logan, McAvoy, Neil McIver, Rounds, Snell, Stomberg and Glyneta Thomson.

**HILLSBOROUGH:** Ahern, Aubut, Albert Bellemore, Wilfrid Boisvert, Burke, Carswell, Chagnon, Corser, Coughlin, Cullity, Arline Dion, Gabrielle Gagnon, Nancy Gagnon, Howard Humphrey, Kaklamanos, Knight, Lamy, Fred Murray, Nardi, Kerry O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Simard, Spirou, Stylianos, Sullivan, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and M. Arnold Wight.

**MERRIMACK:** Ayles, Blakeney, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Kidder, McLane, McNichol, Mitchell, Ralph, Rich, Doris Riley, Shepard, Stockman, Trachy and Ernest Valliere.

**ROCKINGHAM:** Aeschliman, Akerman, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Ganley,



Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kashulines, King, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Vlack, Webster and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Hebert, Horrigan, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Ruel, Sackett, Tripp, Valley and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, Gray, Lewko, Lucas, Scott and Spaulding.

#### NAYS 84

BELKNAP: Beard, Lawton and Morin.

CARROLL: Keller, Kenneth Smith and Towle.

CHESHIRE: Galloway, Irvin Gordon, Elmer Johnson, Ladd and Matson.

COOS: Burns, Fortier, Oleson, Poulin, Theriault and York.

GRAFTON: Ira Allen, George Cate, Pepitone, Taylor and Ward.

HILLSBOROUGH: Ainley, Baker, Bednar, Belanger, Bosse, Coburn, Joseph Cote, Catherine-Ann Day, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Girolimon, Granger, Sal Grasso, Heald, Thomas Hynes, Karnis, LaFleur, Lyons, Marcoux, Mazur, Morrison, O'Neil, Orcutt, Plomaritis, Paul Riley, Edward Smith, Leonard Smith and Wallin.

MERRIMACK: Bellerose, Bibbo, John Cate, Hess, James Humphrey, Polly Johnson, Donna MacIvor, Packard, Pardy, Pelton, Arthur Perkins, Rice, Gerald Smith, Doris Thompson and Waters.

ROCKINGHAM: Connors, Gibbons, Jones, Richards and Stimmell.

STRAFFORD: Canney, Osgood, Preston, Dennis Ramsey, Schreiber and Voll.

SULLIVAN: D'Amante, Desnoyer, Ingram, Palmer, Sara Townsend and George Wiggins, and the motion was adopted, having received more than the necessary two-thirds when less than two-thirds (264) are present.

Ordered to third reading.

Rep. Marshall French moved that debate be limited to thirty minutes equally divided except for HBs 5 and 34 and spoke to his motion.

Rep. York moved to amend the motion to include questions.

Amendment lost.

Rep. Scamman moved to amend the motion to read any floor amendments offered after the thirty minutes debate be allowed ten minutes equally divided including questions and spoke to his motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.  
Amendment adopted.  
Motion adopted.

#### SUSPENSION OF RULES

Reps. Marshall French and McLane moved that the rules be so far suspended as to permit the consideration of a committee report on HB 40, providing a business profits tax deduction for the federal new jobs tax credit, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 40, providing a business profits tax deduction for the federal new jobs credit. Refer to the Committee on Ways and Means for Interim Study. Rep. McLane for Ways and Means.

This is a very complex bill that needs further clarification from the Federal Government.

Referred to the Committee on Ways and Means for Interim Study.

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations. Hearing indicated that intent of Liquor Commission is to comply with existing labor contract between SEA and the State of New Hampshire.

#### Amendment

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Appropriation. The sum of \$16,000 is hereby appropriated to the state liquor commission for the fiscal year ending June 30, 1978, and the sum of \$103,000 is hereby appropriated for the fiscal year ending June 30, 1979, for the purpose of compensating the employees pursuant to section 1 of this act. This appropriation is in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Rep. Sanborn moved that HB 7 be Indefinitely Postponed and spoke to his motion.

Reps. Lawton and Hildreth spoke against the motion.

Reps. Campbell and Parolise spoke in favor of the motion.

Rep. Parr moved the previous question. Sufficiently seconded. Adopted.

Rep. Sanborn requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 103 NAYS 152  
YEAS 103

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield and Rose.

CARROLL: Roderick Allen and Towle.



CHESHIRE: Elmer Johnson, Ladd, Matson and Vrakatisis.

COOS: Fortier, Oleson, Poulin, Theriault and Neila Woodward.

GRAFTON: Crory, Logan, Neil McIver and Taylor.

HILLSBOROUGH: Ahern, Albert Bellemore, Carswell, Coburn, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Sal Grasso, Kaklamanos, LaFleur, Marcoux, Orcutt, Peters, Plomaritis, Edward Smith, Leonard Smith, Van Loan, Wallace and M. Arnold Wright.

MERRIMACK: Eugene Daniell, Polly Johnson, Donna MacIvor, McLane, McNichol, Pardv, Pelton, Ralph, Rice and Rich.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Blake, Campbell, Carpenito, Collins, Danforth, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Laycock, Donna McEachern, Niebling, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Skirrer, Alfreda Smith, Splaine, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Charles Grassie, Joncas, Joos, Lefavour, Lessard, Meader, Nadeau, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Tripp and Valley.

SULLIVAN: Barrus and Spaulding.

NAYS 152

BELKNAP: Marshall French, Hildreth, Lawton and Morin.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Daniel Eaton, Galloway, Krause, Marshala, Margaret Ramsay, Terry and Whipple.

COOS: Burns, Cooney, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Cornelius, Dearborn, Hough, LaMott, Pepitone, Rounds, Snell, Stomberg, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Chagnon, Coughlin, Cullity, Drewniak, Joseph Eaton, Gabrielle Gagnon, Girolimon, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lamy, Lyons, Mazur, McDonough, Morrison, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Simard, Spirou, Stylianos, Sullivan, Sweeney, Wallin, Geraldine Watson, Robert Wheeler and James White.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess,

James Humphrey, Kidder, Mitchell, Arthur Perkins, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, William Boucher, Chapman, Connors, Davis, Robert Dav, Dunfev, Gibbons, Goff, Jones, Kashulines, King, Joseph McEachern, Parr, Quimby, Scamman, Schwaner, Stimmell and Webster.

STRAFFORD: Appleby, Donnelly, Hebert, Horrigan, Kincaid, Maglaras, Maloomian, Osgood, Voll and Allen Wilson.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Grav, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the Committee Report, Rep. Sanborn requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 155 NAYS 104

YEAS 155

BELKNAP: Marshall French, Hildreth, Lawton and Morin.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Daniel Eaton, Galloway, Krause, Marshala, Margaret Ramsay, Terry and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Cornelius, Dearborn, Hough, LaMott, Pepitone, Rounds, Snell, Stomberg, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Chagnon, Coughlin, Cullity, Drewniak, Joseph Eaton, Gabrielle Gagnon, Girolimon, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lamy, Lyons, Mazur, McDonough, Morrison, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Simard, Spirou, Stylianos, Sullivan, Sweeney, Wallin, Geraldine Watson, Robert Wheeler and James J. White.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Kidder, Mitchell, Arthur Perkins, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, William Boucher, Chapman, Connors, Davis, Dunfev, Gibbons, Goff, Jones, Kashulines, King, Joseph MacDonald, Joseph McEachern, Parr, Quimby, Scamman, Schwaner, Stimmell and Webster.

STRAFFORD: Appleby, Donnelly, Hebert, Horrigan, Maglaras, Maloomian, Nadeau, Osgood, Voll, Shirley White and Allen Wilson.

(Speaker Presiding)  
YEAS 156 NAYS 109  
YEAS 156

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins.

BELKNAP: Marshall French, Hildreth, Lawton and Morin.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

NAYS 104

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield and Rose.

CARROLL: Roderick Allen and Towle.

CHESHIRE: Daniel Eaton, Galloway, Krause, Marshala, Margaret Ramsay, Terry and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and York.

CHESHIRE: Elmer Johnson, Ladd, Matson and Vrakatitsis.

COOS: Oleson, Poulin, Theriault and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Cornelius, Dearborn, Hough, LaMott, McAvoy, Pepitone, Rounds, Snell, Stomberg, Glyneta Thomson and Ward.

GRAFTON: Crory, Logan, Neil McIver and Taylor.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Wilfrid Boisvert, Bosse, Burke, Chagnon, Mark Connolly, Coughlin, Cullity, Dreniak, Joseph Eaton, Gabrielle Gagnon, Girolimon, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lamy, Lvons, Mazur, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Simard, Spirou, Stylianos, Sullivan, Sweeney, Wallin, Geraldine Watson, Robert Wheeler and James White.

HILLSBOROUGH: Ahern, Albert Bellemore, Carswell, Coburn, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Sal Grasso, Kaklamanos, LaFleur, Marcoux, Orcutt, Peters, Plomaritis, Edward Smith, Leonard Smith, Van Loan, Wallace and M. Arnold Wight.

MERRIMACK: Eugene Daniell, Polly Johnson, Donna MacIvor, McLane, McNichol, Pardy, Pelton, Ralph, Rice and Rich.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Kidder, Mitchell, Packard, Arthur Perkins, Doris Ritchey, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Blake, Campbell, Carpenito, Collins, Danforth, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Laycock, Maynard, Donna McEachern, Niebling, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Skinner, Alfreda Smith, Splaine, Vlack and Wojnowski.

ROCKINGHAM: Akerman, Barka, William Boucher, Chapman, Connors, Davis, Dunfey, Gibbons, Goff, Jones, Kashulines, King, Joseph MacDonald, Joseph McEachern, Parr, Quimby, Scamman, Schwaner, Stimmell, Tavitian and Webster.

STRAFFORD: Belhumeur, Burchell, Canney, Charles Grassie, Joncas, Joos, Kincaid, Lefavour, Lessard, Meader, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Tripp and Vallev.

STRAFFORD: Appleby, Donnelly, Hebert, Maglaras, Maloomian, Nadeau, Osgood, Sackett, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus and Spaulding. and the motion lost lacking the necessary two-thirds when less than two-thirds (264) are present.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins.

Rep. Tucker moved that HB 7 be laid upon the table.

NAYS 109

A division was requested.

157 members having answered in the affirmative and 105 in the negative, the motion to table lost lacking the necessary two-thirds.

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield and Rose.

Rep. Marshall French challenged the count.

CARROLL: Allen Roderick and Towle.

The Speaker requested a quorum count. 267 members having answered the call, the Speaker declared a quorum present.

CHESHIRE: Elmer Johnson, Ladd, Matson, Proctor and Vrakatitsis.

Rep. Tucker moved the adoption of the Committee Report on HB 7.

COOS: Oleson, Poulin, Theriault and Neila Woodward.

A roll call was requested. Sufficiently seconded.

GRAFTON: Crory, Logan, Neil McIver and Taylor.

HILLSBOROUGH: Ahern, Albert Bellemore, Emile Boisvert, Carswell, Coburn, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Sal Grasso, Kaklamanos, LaFleur, Marcoux, McDonough, Morrison, Orcutt, Peters, Plomaritis, Edward Smith, Leonard Smith, Van Loan, Wallace and M. Arnold Wight.

MERRIMACK: Eugene Daniell, Polly Johnson, Donna MacIvor, McLane, McNichol, Pardy, Pelton, Ralph, Rice and Rich.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Danforth, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Laycock, Maynard, Donna McEachern, Niebling, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Skinner, Alfreda Smith, Splaine, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Charles Grassie, Horrigan, Joncas, Joos, Kincaid, Lefavour, Lessard, Meader, Preston, Dennis Ramsev, Ruel, Schreiber, Tripp and Vallev.

SULLIVAN: Barrus and Spaulding, and the committee report was adopted.

Ordered to third reading.

#### RECESS

The Speaker requested a quorum count.  
The Speaker declared a quorum present.

#### INTRODUCTION OF GUESTS

Robert Croteau, guest of Rep. Neil McIver.

#### COMMITTEE REPORTS (Cont.)

HB 15, extending the lapse date on capital improvements for the Hayes building. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Subject matter covered in the capital budget.

Resolution adopted.

HB 16, amending the statute on the program of special education and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Additional \$400,000 is for the Regional Centers for handicapped.

#### Amendment

Amend RSA 186-A:8, I and II as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. Whenever any handicapped child shall attend any public or private school or program situated within or outside of this state, which offers special instruction for the training and education of handicapped children, and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and shall appropriate and pay the cost of such

education. The school district in which each handicapped child resides shall be liable for the tuition of said child within the limits set forth in this section.

II. The liability of the school district

(a) for tuition and

(b) for costs of transporting the handicapped outside the district and

(c) for costs of rooming and boarding the handicapped outside the district shall be limited to twice the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils, and except capital outlay and debt obligations. The state board shall reimburse the school district for such costs which exceed twice the state average costs per pupil.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Appropriation. The sum of \$2,889,671 is hereby appropriated to the state board of education for the purposes of payments required by this act for the fiscal year ending June 30, 1979. This appropriation shall be in addition to any other appropriation for the state board of education. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Rep. Snell offered an amendment.

#### Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Appropriation. The sum of \$2,489,671 is hereby appropriated to the state board of education for the purposes of payments required by this act for the fiscal year ending June 30, 1979. This appropriation shall be in addition to any other appropriation for the state board of education. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

The Assistant Clerk read the amendment in full.

Rep. Snell explained the amendment and yielded to questions.

Rep. Hough spoke against the amendment and yielded to questions.

Rep. Scamman spoke in favor of the amendment and yielded to questions.

Reps. Chambers, William Boucher, Ward and Tucker spoke against the amendment.

A roll call was requested. Sufficiently seconded.

Reps. Rice and Pardy abstained from voting under Rule 16.

(Speaker Presiding)  
YEAS 73 NAYS 205

## YEAS 73

BELKNAP: Lawton, Sabhow and Sanders.

CARROLL: Roderick Allen and Keller.

CHESHIRE: Galloway and Irvin Gordon.

COOS: Burns, Horton, Mabel Richardson and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, McAvoy, Rounds, Snell and Glyneta Thomson.

HILLSBOROUGH: Bednar, Belanger, Joseph Cote, Cullity, Clyde Eaton, Joseph Eaton, Granger, Karnis, Knight, Mazur, Fred Murray, Paradis, Pelletier, Paul Riley, Simard, Stylianos, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, James Humphrey, Mitchell, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Blake, Davis, Felch, Coff, Jones, Kashulines, King, Niebling, Norton, Rogers, Scamman and Vlack.

STRAFFORD: Appleby, Hebert, Kincaid, Nadeau, Osgood, Dennis Ramsey and Tripp.

SULLIVAN: Barrus, Brodeur, Gray and George Wiggins.

## NAYS 205

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Morin and Rose.

CARROLL: Raymond Conley, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Krause, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Hunt, George Lemire, Oleson, Poulin, Theriault, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Pepitone, Stomberg, Taylor and Ward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Carswell, Chagnon, Coburn, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, LaFleur, Lamy, Roland Lemire, Lyons, Marcoux, McLaughlin, Morrison, Nardi, Kerry O'Connor, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Edward Smith, Leonard Smith,

Soucy, Sullivan, Sweeney, Van Loan, Wallace, Wallin, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Bodi, Milton Cate, Eugene Daniell, Foley, Hess, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Ralph, Rich, Doris Riley, Stefanides, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Danforth, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Canley, Caskill, Gibbons, Gould, Greene, Hartford, Hoar, Kane, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Joncas, Joos, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Preston, Ruel, Sackett, Schreier, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Burrows, D'Amante, Desnoyer, Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker, and the amendment lost.

Rep. Copenhaver wished to be recorded against the amendment.

Question being on the committee report.

Reps. Scamman and Catherine-Ann Day spoke in favor of the Committee Report.

Adopted.

Ordered to third reading.

HB 22, making appropriations for capital improvements. Ought to Pass with Amendment. Rep. Tucker for Appropriations. Self-explanatory.



## Amendment to HB 22

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

making appropriations for capital improvements and making certain other budgetary amendments.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed in this section are hereby appropriated for the projects specified to the departments, agencies and branches named:

## I. Adjutant General

A. Intrusion detection system	\$	60,912	
Less federal		<u>45,684</u>	
Net appropriation			\$15,228
B. Manchester armory -			
boiler repair			3,780

C. Milford armory - grading and paving	\$ 50,000	
Less federal	<u>9,000</u>	
Net appropriation		<u>41,000</u>
Total paragraph I		\$ 60,008
II. Administration and Control		
A. Test wells for state office complex on Concord Heights	16,200	
B. Demolition of 2 wooden buildings on South street	61,560	
C. Purchase and property warehouse repairs	10,800	
D. White farm barn - floor replacements	<u>24,840</u>	
E. Print shop - purchase printing and binding equipment	56,000	
F. Energy management system - study of heating and equip- ment controls, insulation, mechanical controls, and automatic energy management system including sensors and related equipment for the following buildings: state house, state house annex, legislative office building, library, Hayes, Morton, supreme court, health and welfare, and the South Spring street facilities	66,000	
G. State house annex - window replacement	<u>30,000</u>	
Total paragraph II		\$ 265,400

## III. Aeronautics Commission

A. Keene, Dillant-Hopkins  
airport

(1) Reconstruct runway 2-20	285,000
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Less federal	<u>228,000</u>
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Net appropriation paragraph (1)	<u>57,000</u>
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(2) Reconstruct taxiways	160,000
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Less federal	<u>128,000</u>
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Net appropriation paragraph (2)	<u>32,000</u>
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Net appropriation paragraph A	89,000
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B. Lebanon regional  
airport

(1) Reconstruct runway 18-36	360,000
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Less federal	<u>288,000</u>
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Net appropriation paragraph (1)	<u>72,000</u>
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(2) Slurry seal runway 7-25	140,000
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Less federal	<u>112,000</u>
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Net appropriation paragraph (2)	<u>28,000</u>
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Net appropriation paragraph B	100,000
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C. Manchester municipal  
airport

(1) Slurry seal runway 17-35	150,000
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Less federal	<u>120,000</u>
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Net appropriation paragraph (1)	<u>30,000</u>	
(2) Construct taxiway parallel to runway 6-24	150,000	
Less federal	<u>120,000</u>	
Net appropriation paragraph (2)	<u>30,000</u>	
Net appropriation paragraph C		60,000
D. Rochester, Skyhaven airport		
(1) Slurry seal runway and taxiway	52,000	
Less federal	<u>41,600</u>	
Net appropriation paragraph D		10,400
E. Concord municipal airport - approach lighting for runway 35	40,000	
Less federal	<u>32,000</u>	
Net appropriation paragraph E		<u>8,000</u>
Total paragraph III		267,400
IV. Education		
A. N.H. technical institute		
(1) Electronics equipment	82,632	
(2) Snow removal equipment	25,000	
(3) Mechanical and architectural equipment	65,880	
(4) Electronic and mechanical equipment	<u>54,026</u>	
Total paragraph A		227,538



## B. Laconia voc-tech college

(1) New classrooms and laboratory	1,228,160
(2) Secretarial laboratory equipment	10,560
(3) Electronics laboratory equipment	16,500
(4) Graphic arts equipment	112,500
(5) Fire protection instructional equipment	<u>17,500</u>

Total paragraph B 1,385,220

## C. Manchester voc-tech college

(1) Automotive equipment	29,750
(2) Metallurgy material equipment	21,320
(3) Classroom and laboratory building	2,660,000
(4) Construction of a metal storage facility (Force account)	25,000
(5) Maintenance equipment	<u>9,750</u>

Total paragraph C 2,745,820

## D. Nashua voc-tech college

(1) Electric-electronics equipment	28,950
(2) Machine tool equipment	<u>71,100</u>

Total paragraph D 100,050

## E. Portsmouth voc-tech college

(1) Automotive equipment	68,066
(2) Land acquisition and engineering	150,000
(3) Electronic equipment	37,175

(4) Secretarial service equipment	<u>5,225</u>	
Total paragraph E		<u>260,466</u>
Total paragraph IV		4,719,094
V. Health and Welfare		
A. Glencliff		
(1) Elevator replacement	33,480	
(2) Turbine replacement	49,140	
(3) Reshingle Brown building	<u>15,660</u>	
Total paragraph A		98,280
B. New Hampshire hospital		
(1) Boiler replacement	432,000	
(2) Food storage freezer	11,600	
(3) Rotary baking oven replacement	17,280	
(4) Philbrook drive	17,280	
(5) Library - North wing Walker building	<u>11,000</u>	
Total paragraph B		489,160
C. Laconia state school		
(1) Alterations and equipment for Rice and Speare buildings (Force account)	10,800	
(2) Renovate outside wiring and fire alarm	44,496	
(3) Replace steamlines - Dwinell and Murphy	41,472	
(4) Replace washer-extractor	37,800	
(5) Replace heating in Rice	32,400	
(6) Meredith Center road bypass	432,000 *	
Total paragraph C		<u>598,968</u>

Total paragraph V

1,186,408

\* To be amortized with highway funds.

## VI. N.H. Youth Development Center

A. Floor and ceiling replacement in main kitchen	12,960
B. Repairs to swimming pool complex	54,000
C. Residential center for girls - purchase, renovation and equipment	135,000
D. Replacement of underground steam lines	141,480
E. Renovate heating in chapel	32,400
F. Food freezer 27' x 13-1/2' and installation	<u>25,000</u>

Total paragraph VI

400,840

## VII. Port Authority

A. Site improvement - grading and paving of parking area near the Barker wharf, Barker wharf repairs and removal of old piles	<u>90,000</u> *
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Total Paragraph VII

90,000

\*This appropriation shall not be transferred or used for any other purpose and shall lapse June 30, 1979. The port authority, with the approval of the governor and council, may accept gravel/fill from the Army Corps of Engineers dredge project on the Piscataqua river for use in the Barker wharf area only. No gravel/fill shall be accepted for use in any area inland of the Maine-N. H. interstate bridge nor shall any gravel/fill be accepted unless it is determined that no toxic material is present in said gravel/fill.

## VIII. Resources and Economic Development

A. Office of commissioner - land acquisition	
(1) Miscellaneous land purchases to include but not limited to Appalachian Trail	200,000
Less federal	<u>100,000</u>

Net appropriation	<u>100,000</u>
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(2) Pawtuckaway state park	38,000
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Less federal	<u>19,000</u>
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Net appropriation	<u>19,000</u>
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(3) Wentworth-Coolidge state historical site	19,800
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Less federal	<u>9,900</u>
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Net appropriation	<u>9,900</u>
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(4) Administrative costs for land acquisition - appraisals, title work, surveys and taxes	<u>35,000</u>
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Total paragraph A	163,900
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#### B. Parks and recreation

(1) Echo lake state park	20,000
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Less federal	<u>10,000</u>
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Net appropriation paragraph (1)	<u>10,000</u>
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(2) Franconia Notch state park	40,000
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Less federal	<u>20,000</u>
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Net appropriation paragraph (2)	<u>20,000</u>
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(3) Berlin wayside and recreation area	<u>20,000</u>
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(4) Baker river site #7	35,000
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Less federal	<u>7,500</u>
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Net appropriation paragraph (4)	<u>27,500</u>
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(5) Fort constitution	50,000
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(6) Hampton beach bath houses	50,000
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(7) Wentworth - Coolidge  
mansion - Fire and  
burglary protection  
system 25,000

(8) Housing over Berry  
chairlift - Peabody 20,000

Net appropriation paragraph B 222,500

Total paragraph VIII 386,400

IX. State Prison

A. Life and fire safety 54,000

B. Equipment for prison  
industries 21,000

C. Command post 17,280

D. Security screens 37,800

E. Vocational training shops 284,080

F. Halfway house - purchase,  
renovation and equipment 74,520

G. Laundry rehabilitation and  
equipment 37,800

H. Exercise yard 12,960

I. Wall repairs 54,000

J. Farm Expansion 270,000

K. Boiler - Shea farm 21,600

L. North yard recreational  
development 21,600

M. Purchase and installation of  
(1) Walk-in refrigerator and  
(1) Walk-in freezer 17,280

Total paragraph IX 923,920

X. Department of Safety

A. Garage facility - construc-  
tion and equipment 280,800

B. Two Safety sub-stations and state police barracks in the areas of Cheshire and Sullivan counties and Moultonborough	<u>561,600</u>
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Total paragraph X	842,400*
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\* To be amortized with highway funds.

#### XI. N.H. Water Resources Board

A. Baker river watershed site 7	3,427,000
Less federal	2,435,500
Less local	<u>553,961</u>
Net appropriation paragraph A	437,539

B. Sugar river watershed site D-2	1,622,000
Less federal	<u>1,500,000</u>
Net appropriation para- graph B	122,000

C. Souhegan river watershed site 19	1,506,000
Less federal	<u>1,500,000</u>
Net appropriation paragraph C	<u>6,000</u>

Total paragraph XI	565,539*
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\* Notwithstanding the provisions of section 11, II and section 12, II of this act, revenues in excess of the estimate may be expended on public law 566 projects, with the approval of governor and council.

XII. Public Works and Highways -	
A. Reconstruction of Hazen Drive	650,000
B. Traffic Division Service Building	<u>750,000</u>

Total paragraph XII	1,400,000*
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\* To be amortized with highway funds

## XIII. Liquor Commission -

A. Electronic cash registers	500,000*
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Total paragraph XIII	500,000
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\*Any equipment purchased shall be compatible with existing state owned computer systems.

Total state appropriation section 1	<u>\$11,607,409</u>
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2 Appropriation, University of New Hampshire. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the university of New Hampshire:

## I. University system all campuses

A. Life safety code and handicapped study	\$140,000
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B. Land acquisition	<u>110,000 *</u>
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Total paragraph I	\$250,000
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\*No purchase of land may be made by the state university system except for those parcels of land that are within the external boundary or perimeter of the existing, applicable state university system campus, that is so called "in holdings".

## II. Durham campus

A. Implementation of energy study	1,483,920
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B. Planning for modifications to athletic facilities to comply with Title IX	<u>35,000</u>
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Total paragraph II	1,518,920
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## III. Keene campus - construction of Liberal Arts building

	5,346,000
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## IV. Plymouth campus

A. Renovation of Rounds hall	807,840
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B. Dining hall expansion	<u>304,560*</u>
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Total paragraph IV	1,112,400
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\* 30 year bonds to be self-amortizing in accordance with RSA 187:10-a.

## V. New Hampshire Network

A. Purchase and installation of a microwave repeater and other electronic equipment and instruments	22,000
B. Purchase and installation of a security fence	3,000
C. Construction of a concrete block building (approximately 12' x 21')	12,000
D. Repaint tower	<u>700</u>

Total paragraph V	<u>37,700</u>
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Total state appropriation section 2	<u>\$8,265,020</u>
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## 3 Appropriation for the restructuring of the Hooksett liquor stores.

I. Construction of Liquor Stores. The liquor commission is hereby authorized and directed to purchase sites and construct 2 liquor stores, one adjacent to the northbound lane and one adjacent to the southbound lane north of the Hooksett toll station on the F. E. Everett Turnpike. The stores are each to be approximately 8,000 square feet in size.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the stores provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.



IV. Removal of Temporary Stores. The 2 temporary stores constructed under the provisions of Laws of 1975, 504, VIII shall remain in operation until the stores authorized in paragraph I of this section are opened. Upon discontinuance of said temporary stores, all reusable equipment within the buildings shall be removed by the liquor commission for use in other locations. Remaining usable parts of the two buildings shall become the property of the department of public works and highways for removal and utilization.

V. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this act the sum of \$1,500,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the provisions of paragraph I of this section.

VI. Rest Area-Information Center Authorized. The commissioner of the department of public works and highways is authorized and directed to develop plans and award contracts as necessary to establish northbound and southbound restroom and information centers at the location of and in close proximity to the two new liquor stores proposed to be constructed on the F. E. Everett Turnpike approximately 1 mile north of the Hooksett toll booths. The commissioner is further authorized to utilize available balances from the appropriations provided under RSA 256-C:6 for improvements to the Central N.H. Turnpike and for these projects is exempted from the provisions of RSA 228:4 relative to the employment of independent registered professional engineers or consultants.

#### 4 Hampton Liquor Store.

I. Construction of Liquor Store. The liquor commission is hereby authorized to construct and equip one liquor store adjacent to the southbound lane, south of the Hampton toll station, on the Eastern New Hampshire Turnpike - Blue Star Highway. This store is to be approximately 8,000 square feet.

II. Exemption. Neither the provisions of RSA 236:8 nor of RSA 228:4, I shall apply to the construction, design or operation of the facilities provided for in paragraph I of this section.

III. Operation of Stores. Notwithstanding any other provision of law to the contrary, the liquor commission is directed to operate the store provided for in this section 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

IV. Appropriation for Liquor Stores. There is hereby appropriated to the liquor commission for purposes of paragraph I of this section the sum of \$1,080,000 to be expended by them for planning, fees, consultants, land, construction, equipment and any other incidental expenses necessary to carry out the provisions of section 1 of this act.

V. (a) Until the Hampton liquor store, authorized by paragraph I of this section, is constructed and in operation, the commission shall operate the Portsmouth liquor store 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

(b) Amend 1977, 600:1.02, 16, 01, 50 and 60 by striking out said lines and inserting in place thereof the following:

50 Other personal services	635,000	657,104
60 Benefits	662,689	637,793

and further amend said P.A.U. by striking out the total thereof and inserting in place thereof the following:

Total	7,916,577	8,107,779
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Estimated source of funds for

revenue collection:

09 Sweepstakes sales	125,000	150,000
General fund	7,791,577	7,957,779
Total	7,916,577	8,107,779

5 Expenditures, General. The appropriation made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects, shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor shall be awarded in accordance with RSA 228.

6 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, V and 4, IV of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,452,429 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3 and 4 shall be made when due from the general funds of the state; provided, however, that the payment of principal and interest on bonds issued for the project in section 1, paragraph V, C, (6), and the projects in section 1, paragraphs X and XII shall be made from the highway fund.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

10 Transfers. The individual project appropriations, as provided in sections 1, 2, 3 and 4 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

11 Reduction of Appropriations and Bonding Authority.

I. If the net appropriation of state funds for any project provided for by sections 1, 2, 3 and 4 is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor each shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by section 7 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.



II. If any federal, local or other funds, not anticipated, become available for any project provided for in sections 1, 2, 3 and 4 they are hereby appropriated and the net appropriation of state funds and the amount of bonding authorized by section 7 shall be reduced by an amount equal to the federal, local or other funds available.

12 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3 and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 7 shall be reduced by the same amount.

13 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of

such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in section 2 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

14 Appropriation Extended. The appropriation made to the New Hampshire water resources board by 1971, 559:1,X; 1973, 417:2; 1974, 38:1, XII, and 1974, 38:13 for the specified capital expenditures shall be available for expenditure until June 30, 1980.

15 Amending the 1975 Capital Budget. Appropriation for Water Resources Board. Amend 1975, 504:1, XII (a) by striking out said subparagraph and inserting in place thereof the following:

(a) Dam engineering and reconstruction		
(1) Suncook lake	\$71,450	
(2) Bow lake	12,900	
(3) Great pond	<u>35,100</u>	
Total Subparagraph (a)		\$119,450 *

\*This appropriation shall not lapse until June 30, 1980.

II. Concord Store Addition Repealed. Laws of 1975, 504:1, VIII (c), relative to the Concord store addition, is hereby repealed.

III. Change of Bond Authorization. Amend 1975 504:7 as amended by 1976, 37:2 and 53:4 by striking out said section and inserting in place thereof the following:

504:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$28,000,566 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 1, subparagraph IX, (d), (e) and (f), subparagraph X, (d)-(7), (8) and (10), paragraph XVI, and section 3 (furnishings and equipment) of this act shall have a maturity date of 5 years from date of issue; the project detailed in subparagraph VIII, (a) shall be financed by a 4 year note; and the bonds issued for the purposes of section 3 (construction) of this act shall have a maturity date of 30 years from the date of issue.

16 Project Description Changed. Amend 1976, 55:4, III by striking out said paragraph and inserting in place thereof the following:

III. Pleasant View Home

Furnishings	\$269,000
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Fire and security protection and other necessary renovations or repairs, including architects and engineering fees	370,000
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Firelanes, road redesign parking, and lighting	131,000
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17 Appropriations Extended.

I. Amend 1971, 359:1, VII, (1), (b) as amended by 1974, 38:16, II by striking out said subparagraph and inserting in place thereof the following:

(b) Berlin wayside and recreation area	\$15,000*
--	-----------

\* This appropriation shall not lapse until June 30, 1979.

II. Except as provided in section 15 of this act, all appropriations made by 1975, 504, which are to lapse on June 30, 1978, are hereby extended to June 30, 1979.

18 Exemption for Contract of Certain Departments. Amend RSA 228:4, I-a (supp) as amended by striking out said paragraph and inserting in place thereof the following:



I-a. Notwithstanding the provisions of paragraph I, projects for the fish and game department, the department of resources and economic development and the water resources board in excess of \$10,000 and not more than \$100,000, may be done on a force account basis upon recommendation of the commissioner of the department of public works and highways that such procedure is in the best interest of the state and with the approval of the governor and council.

19 Certain Appropriations Extended. Amend 1977, 600 by applying the provisions of footnote F, in section 1.08 of said chapter, to the following additional line item appropriations:

1.01, 04, 03, 02, 01, 97

1.01, 04, 03, 02, 03, 97

1.02, 02, 01, 01, 97

1.02, 22, 03, 97

1.05, 03, 04, 03, 90

1.06, 03, 13, 01, 97

1.06, 03, 13, 03, 97

1.06, 03, 14, 01, 97

1.06, 03, 15, 01, 97

1.06, 03, 16, 01, 97

1.06, 03, 17, 01, 97

1.06, 03, 18, 01, 97

20 Certain C.D.P. Appropriation Extended and Modified. Amend 1977, 600 by striking out the line item P.A.U. number 1.01, 05, 02, 00, 00, 93 and the subsequent total and inserting in place thereof the following:

93 Site preparation F*	55,000	74,218
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Total	1,715,599	1,655,186
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Estimated source of funds for  
data processing operation:

General fund	1,715,599	1,655,186
Total	1,715,599	1,655,186

\* The funds in this class may be used to move centralized data processing from its present location to its new location.

21 Appropriation Increased. Amend 1977, 258:2 by striking out said section and inserting in place thereof the following:

258:2 Appropriation. The sum of \$300,000 is hereby appropriated to the department of public works and highways for the purposes stated in section 1 of this act. The appropriation shall be a charge on the highway fund.

22 Project Extended. Amend 1975, 504:1, VI (a) by striking out same and inserting in place thereof the following:

(a) James H. Hayes building including architectural and engineering costs	\$4,000,000*
---	--------------

\* This sum shall not lapse until July 1, 1979.

23 Effective Date. This act shall take effect upon its passage.

Amendment adopted.  
Ordered to third reading.

HB 26, relative to annual equalization of valuations. Ought to Pass. Rep. Tucker for Appropriations.

This bill will provide a more current basis for equalization of valuations, and will base distribution of foundation aid on more recent statistics. The appropriation will pay the salaries of a statistical assistant and a clerk typist and related expenses, thereby releasing the professional appraisers for more field work resulting in increased revenues.

Ordered to third reading.

HB 28, relative to making an appropriation for equipment for the youth development center. Inexpedient to Legislate. Rep. Tucker for Appropriations. Subject matter covered in the capital budget.

Resolution adopted.

HB 31, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

This bill was not of high priority. The department did not appear at the hearing and the Committee feels this bill should not have been introduced in the Special Session.

Rep. Vrakatitsis moved that the words, Ought to Pass, be substituted for the Committee Report, Inexpedient to Legislate, and spoke to her motion.

Rep. Hough spoke against the motion.

Rep. Dearborn spoke in favor of the motion and yielded to questions.

Reps. Ingram and Hildreth spoke in favor of the motion.

Rep. Tucker spoke against the motion and yielded to question.

A roll call was requested. Sufficiently seconded.

(SPEAKER PRESIDING)

YEAS 153 NAYS 130

YEAS 153

BELKNAP: Beard, Hildreth and Rose.

CARROLL: Roderick Allen, Raymond K. Conley and Towle.

CHESHIRE: Callahan, Irvin Gordon, Elmer Johnson, Ladd, Lynch, Marshall, Proctor, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Hunt, George Lemire, Poulin, Theriault, Alcide Valliere and Neila Woodward.

GRAFTON: Aldrich, Buckman, George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Logan, Stomberg, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Baker, Emile Boisvert, Wilfrid Boisvert, Chagnon, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Thomas Hynes, Kallamanos, LaFleur, Lyons, McGlynn, McLaughlin, Morrison, Fred Murray, Kerry O'Connor, O'Neil, Pappas, Arnold Perkins, Plomaritis, Polak, Record, Henry Richardson, Paul Riley, Simard, Edward Smith, Leonard Smith, Stylianos, Sullivan, Wallace, Wallin and James White.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Milton Cate, Chandler, Donna MacIvor, McLane, McNichol, Mitchell, Packard, Pardy, Pelton, Plourde, Rice, Rich, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Danforth, Dunfey, Felch, Beverly Gage, Ganley, Gaskill, Gibbons, Greene, Hartford, Hoar, Kashulines, Laycock, Joseph MacDonald, Donna McEachern, Joseph McEachern, Pucci, Quimby, Richards, Rogers, Sanborn, Alfreda Smith, Stimmell, Vlack and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Charles Grassie, Hebert, James Herchek, Kincaid, Lessard, Morrisette, Preston, Dennis Ramsey, Sackett, Schreiber, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas and Sara Townsend.

NAYS 130

BELKNAP: Gary Dionne, Marshall French, Lawton, Mansfield, Morin and Sabbow.

CARROLL: Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Daniel Eaton, Galloway, Krause, Matson and Margaret Ramsay.

COOS: Burns, Horton, Oleson, Mabel Richardson and Wiswell.

GRAFTON: Ira Allen, Hough, LaMott, McAvoy, Neil McIver, Pepitone, Rounds and Snell.

HILLSBOROUGH: Ahern, Arnold, Aubut, Bednar, Belanger, Albert Bellemore, Bosse, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Cullity, Drewniak, Joseph Eaton, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Karnis, Lamy, Roland Lemire, Marcoux, Mazur, Nardi, Orcutt, Paradis, Pelletier, Peters, Podles, Soucy, Van Loan, Geraldine Watson, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, John Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Mullin, Ralph, Doris Riley, Shepard, Stefanides, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Aeschliman, Benton, William Boucher, Connors, Davis, Robert Day, Erler, Flanagan, Carl Gage, Goff, Gould, Jones, Kane, King, Maynard, Niebling, Norton, Parolise, Parr, Anthony Randall, Scamman, Schwaner, Skinner, Splaine, Tavitian and Webster.

STRAFFORD: Canney, Walter Desmarais, Dianne Hercek, Joncas, Joos, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Osgood, Ruel, Tripp and Allen Wilson.

SULLIVAN: Burrows, Palmer, Scott, Tucker and George Wiggins, and the motion to substitute passed.

Question being on the substituted committee report, Ought to Pass.

Adopted.

Ordered to third reading.

HB 32, relative to certain amendments to facilitate tax exempt bonding for the state retirement system. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This is an act that amends Chapter 600 in order to provide the latitude needed to meet the tax exempt status for certain bonds floated by the State Treasurer for the state retirement systems. Further amendments of Chapter 600 adjust budgetary needs in other areas of the operating budget, pertaining to certain personnel and related expenses.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to certain amendments to the operating budget.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bonding Provisions Expanded. Amend 1977, 600:111 by striking out said section and inserting in place thereof the following:

600:111 Retirement; Appropriation.

I. To provide funds for the funding of the unfunded accrued liability contribution of the state and political subdivisions to the various state retirement systems, or to make payments otherwise payable from funds of said systems to beneficiaries thereof for fiscal years 1979 and 1980, the sum of \$22,000,000, or so much thereof as may be necessary, is hereby appropriated to the applicable New Hampshire retirement systems, and shall be deposited therein or in a special fund created, if necessary, by the state treasurer and the board of trustees, or either of them.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding \$22,000,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of paragraph I of this section shall have a maturity date of not more than 13 years from the date of issue.

III. Debt service attributable to the political subdivisions' share of the bonded amount shall be collected from said political subdivisions at such times as may be designated by the board of trustees but at least quarterly. Amounts so collected shall be placed in a special fund and utilized only for the purpose of paying said debt service. Interest earned on amounts in such special fund shall be deposited in the general fund annually at the close of the state's fiscal year. It shall be the duty of the treasurer or other disbursing officer of a county, city, town, village, precinct, school district or other political subdivision of the state to pay to the board of trustees the sum assessed against said employer. Each such employer is hereby authorized and directed to appropriate the sums necessary for said assessment.

IV. Notwithstanding any other provision of law, any debt service assessments, as provided in paragraph III of this section, not remitted at the times designated by the board of trustees, shall be subject to interest on the amount due at the rate of one-half of one percent for each month or fraction thereof that they remain unpaid.

V. The appropriation provided for in paragraph I of this section shall be invested by the board of trustees in accordance with the provisions of RSA 100-A:15.

VI. The state treasurer and the board of trustees, or either of them, are hereby authorized to covenant with or certify to the purchasers and holders from time to time of the bonds authorized by paragraph II of this section with respect to the investment of the proceeds of said bonds or other matters deemed by them, or either of them, to be necessary in order to assure that the interest on said bonds will be exempt from federal income taxes and shall have the authority to take any actions necessary to accomplish the same.

2 Operating Budget Amended.

I. Amend 1977, 600:1.01, 10, 02, 90 by striking out said line and inserting in place thereof the following:

90 Accrued liability	456,293	500,000
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and further amend said P.A.U. by striking out the total thereof and inserting in place thereof the following:

Total	5,576,127	4,772,058
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Estimated source of funds for

retirement division:

09 Admin. cost assessment	571,624	457,247
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General fund	5,004,503	4,314,811
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Total	5,576,127	4,772,058
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II. Amend 1977, 600:1.01, 10, 04, 91 by striking out said line and inserting in place thereof the following:

91 Debt service*	8,103,600	10,655,361
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and further amend said P.A.U. by striking out the total thereof and inserting in place thereof the following:

Total	33,739,613	37,570,174
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Estimated source of funds for  
special general fund distrib:

General fund	33,739,613	37,570,174
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Total	33,739,613	37,570,174
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III. Amend 1977, 600:1.03, 01, 03, 01, 10 and 19 and 60 by striking out said lines and inserting in place thereof the following:

	Fiscal Year 1978	Fiscal Year 1979
--	------------------	------------------

10 Permanent personal services*	557,954	555,522
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19 Holiday pay A	20,242	20,915
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60 Benefits	87,037	86,773
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and further amend said component by striking out the "\*" note" and the component total and inserting in place thereof the following:

\*Position numbers 35, 60 and 90 shall not be funded for the biennium. The initial appointment of the assistant to the chief of law enforcement at the rank of conservation officer captain shall be made from within the ranks of fish and game law enforcement personnel.

Total	837,619	843,241
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Estimated source of funds for  
law enforcement districts 1-5:

01 Transfer payments--general		
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fund	176,693	176,693
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Fish and game funds	660,926	666,548
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Total	837,619	843,241
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IV. Amend 1977, 600:1.02, 20, 04, 01, 10 and 60 by striking out said lines and inserting in place thereof the following:

	Fiscal Year 1978	Fiscal Year 1979
--	------------------	------------------

10 Permanent Personal Services	61,575	73,073
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60 Benefits	17,801	19,883
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and further amend said component by striking out the total thereof and inserting in place thereof the following:

Total	283,332	290,592
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Estimated source of funds for  
Div. safety serv. watercraft  
saf.:

General fund	283,332	290,592
Total	283,332	290,592

V. Amend 1977, 600:1.01, 04, 03, 02, 01, 97 by striking out said line and inserting in place thereof the following:

Fiscal Year 1978

97 Maintenance--Contract	17,000
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VI. Amend 1977, 600:1.01, 07, 01 by inserting after line 80 of said component the following new line item:

Fiscal Year 1978

90 Other expenditures	4,700
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3 Effective Date. This act shall take effect upon its passage.

Rep. Kidder spoke in favor of the Committee Report.  
 Amendment adopted.  
 Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules be so far suspended as to permit the consideration of a committee report on HB 34, authorizing certain stores to sell table wine, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 34, authorizing certain stores to sell table wine. Ought to Pass with Amendment. Rep. Tucker for Appropriations. Testimony indicated that there was much confusion about what was passed in the House. Two (2) million dollars in revenue based on four more beer licenses and 1.2 million or more dollars based on 6 wine licenses is needed if we are to pay for the programs under consideration. The amendment clarifies the confusion and deals realistically with our revenue situation.

#### Amendment

Amend RSA 178-A:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

178-A:13 Combination License. The commission may issue to any applicant for a retail wine license who also applies for an off-sale permit pursuant to RSA 181:5 for the same premises, a combination retail wine and beverage license and shall charge the fee specified in this chapter provided that such applicant otherwise qualifies for a retail wine license and an off-sale permit provided that the resulting total of beverage licenses or retail wine licenses held by any one person shall not exceed 6.

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Restriction on Off-Sale Permits, Removed. Amend RSA 181:22, II (supp) as amended by striking out in line one the word "two" and inserting in place thereof the number "6" so that said paragraph as amended shall read as follows:

II. No person shall directly or indirectly hold more than 6 off-sale permits at one time and no holder of an on-sale or off-sale permit shall have in his employ, in any capacity, any person who is the holder of any permit provided by this chapter, except that the holder of an on-sale permit may employ the holder of an off-sale permit in an entertainment capacity. No holder of a manufacturer's permit, wholesaler's permit, solicitor's permit or a certificate of approval shall, in any wise, contribute or pay any money or anything in lieu thereof to any on-sale or off-sale permittee, his agent, his employees, or to any group, association or organization thereof. Nothing in this section shall prohibit any permittee from being a member of a club holding a permit or license under this chapter, nor prohibit the sale or purchase,

for resale, of merchandise or beverages for the conduct of the business on any on-sale or off-sale permittee.

5 Effective Date. This act shall take effect 60 days after its passage.

Rep. Hildreth explained the amendment and yielded to questions.

Reps. Lawton, Lucas, Poulin, George Wiggins, Ward and Laurent Boucher spoke against the amendment.

Rep. Eugene Daniell spoke against the amendment and yielded to questions.

Reps. Plourde, Marshall French, Snell, Margaret Ramsay, LaMott, Sara Townsend and Tucker spoke in favor of the amendment.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Rep. Laurent Boucher requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 130 NAYS 160

YEAS 130

BELKNAP: Beard, Marshall French, Hildreth, Mansfield, Sabbow and Sanders.

CARROLL: Raymond Conley, Howard and Kenneth MacDonald.

CHESHIRE: Ladd, Lynch, Marshala, Matson, Margaret Ramsay, Terry and Whipple.

COOS: Fortier, Hunt, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Buckman, Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, McAvoy, Rounds, Snell, Stomberg and Glyneta Thomson.

HILLSBOROUGH: Aubut, Baker, Bednar, Belanger, Wilfrid Boisvert, Bosse, Mark Connolly, Coughlin, Joseph Eaton, Gabrielle Gagnon, Girolimon, Sal Grasso, Daniel Healy, Howard Humphrey, Kaklamanos, LaFleur, Lamy, Roland Lemire, Mazur, McLaughlin, Fred Murray, Nardi, Pelletier, Paul Riley, Simard, Edward Smith, Sullivan, Sweeney, Geraldine Watson, Emma Wheeler, Robert Wheeler and James White.

MERRIMACK: Ayles, Bellerose, Blakeney, Milton Cate, Chandler, Richard Hanson, Hess, James Humphrey, McLane, Mullin, Pardy, Arthur Perkins, Plourde, Rice, Shepard and Stefanides.

ROCKINGHAM: Aeschliman, Bisbee, William Boucher, Carpenito, Connors, Davis, Robert Day, Dunfey, Felch, Goff, Hartford, Jones, Kane, Laycock, Joseph MacDonald, Maynard, Joseph McEachern, Parr, Pucci, Quimby, Scamman, Schwaner, Alfreda Smith, Tavitian and Webster.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Donnelly, Hebert, Kincaid, Lefavour, Lessard, Maloomian, Meader, Preston, Sackett, Voll, Shirley White and Allen Wilson.



SULLIVAN: Desnoyer, Gray, Palmer, Sara Townsend and Tucker.

NAYS 160

BELKNAP: Bowler, Gary Dionne, Lawton, Marsh, Morin and Rose.

CARROLL: Roderick Allen, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Daniel Eaton, Galloway, Irvin Gordon, Elmer Johnson, Krause, Proctor and Vrakatitsis.

COOS: Burns, Cooney, Horton, Oleson and Poulin.

CRAFTON: Aldrich, George Cate, Dearborn, Logan, Neil McIver, Pepitone, Taffe, Taylor and Ward.

HILLSBOROUGH: Ahern, Albert Bellemore, Emile Boisvert, Burke, Carswell, Chagnon, Coburn, Corser, Joseph Cote, Margaret Cote, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Flynn, Nancy Gagnon, Granger, Heald, Thomas Hynes, Karnis, Knight, Lvons, Marcoux, McGlynn, Morrison, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Leonard Smith, Soucy, Stylianos, Van Loan, Wallace, Wallin and M. Arnold Wight.

MERRIMACK: Bibbo, Bodi, Laurent Boucher, John Cate, Eugene Daniell, Foley, Polly Johnson, Kidder, Donna MacIvor, McNichol, Mitchell, Packard, Pelton, Ralph, Rich, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Blake, Blanchette, Camphell, Chapman, Collins, Danforth, Erler, Flanagan, Beverly Gage, Carl Gage, Canley, Gaskill, Gibbons, Gould, Greene, Hoar, Kashulines, King, Donna McEachern, Niebling, Norton, Parolise, Anthony Randall, Richards, Rogers, Sanborn, Skinner, Splaine, Stimmell, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Canney, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Maglaras, Morrisette, Nadeau, Osgood, Dennis Ramsey, Ruel, Schreiber, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Ingram, Lewko, Lucas, Scott, Spaulding and George Wiggins, and the amendment lost.

Rep. Vrakatitsis notified the Clerk that she inadvertently voted nay and wished to be recorded in favor of the amendment.

Rep. Lucas offered an amendment and requested to dispense with the reading.

#### Amendment

Amend RSA 178-A:13 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

178-A:13 Combination License. The commission may issue to any applicant for a retail wine license who also applies for an off-sale permit pursuant to RSA 181:15 for the same premises, a combination retail wine and beverage license and shall charge the fee specified in this chapter provided that such applicant otherwise qualifies for a retail wine license and an off-sale permit provided that the resulting total of beverage licenses or retail wine licenses held by any one person shall not exceed 2.

Amend the bill by striking out all after section 3 of same and inserting in place thereof the following:

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Lucas explained the amendment and yielded to questions.

Rep. Tucker spoke in favor of the motion.

Rep. Plourde requested the amendment be read.

The Assistant Clerk read the amendment in full.

Reps. LaMott, Kidder, Lawton and Laurent Boucher spoke in favor of the amendment.

Rep. Plourde spoke against the amendment.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded. Adopted.

(Speaker Presiding)

YEAS 236 NAYS 55

YEAS 236

BELKNAP: Beard, Gary Dionne, Marshall French, Hildreth, Lawton, Mansfield, Marsh, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Galloway, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Horton, Hunt, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

CRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taylor, Glynetta Thomson and Ward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Chagnon, Mark Connolly, Margaret Cote, Cullity, Catherine-Ann Day, Arline Dion, Drewniak, Clyde Eaton, Flynn, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, LaFleur, Lamy, Armand Lemire, Roland Lemire, Lyons, Mazur, McLaughlin, Morrison, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Leonard Smith, Soucy, Stylianos, Sullivan, Sweeney,

Van Loan, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler and James White.

(Speaker Presiding)  
YEAS 228    NAYS 59

YEAS 228

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Kidder, McLane, McNichol, Mullin, Pardy, Pelton, Arthur Perkins, Plourde, Rice, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

BELKNAP: Beard, Gary Dionne, Marshall French, Hildreth, Lawton, Mansfield, Marsh, Morin, Sabbow and Sanders.

CARROLL: Raymond Conley, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Galloway, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatisis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, George Lemire, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Copenhaver, Crory, Dearborn, Hough, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson and Ward.

ROCKINGHAM: Aeschliman, Barka, Bisbee, Blanchette, William Boucher, Carpenito, Chapman, Collins, Connors, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Carl Gage, Gibbons, Goff, Gould, Greene, Hartford, Hoar, Jones, Kane, Kashulines, King, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Webster and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Tripp, Voll, Shirley White and Allen Wilson.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Burke, Chagnon, Mark Connolly, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, Drewniak, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Howard Humphrey, Thomas Hynes, Karnis, LaFleur, Lamy, Armand Lemire, Roland Lemire, Lyons, Mazur, McLaughlin, Morrison, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Orcutt, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Edward Smith, Leonard Smith, Sullivan, Sweeney, Van Loan, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and M. Arnold White.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins.

NAYS 55

BELKNAP: Bowler, Morin and Rose.

CARROLL: Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton and Elmer Johnson.

COOS: Cooney, George Lemire and Oleson.

GRAFTON: George Cate and Taffe.

HILLSBOROUGH: Baker, Carswell, Coburn, Corser, Joseph Cote, Coughlin, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Heald, Kaklamanos, Knight, Marcoux, McGlynn, Peters, Edward Smith, Wallace and M. Arnold Wight.

MERRIMACK: Bibbo, Chandler, Polly Johnson, Donna MacIvor, Packard, Ralph and Rich.

ROCKINGHAM: Akerman, Benton, Blake, Campbell, Danforth, Beverly Gage, Ganley, Gaskill, Rogers, Sanborn and Vlack.

STRAFFORD: Joncas, Dennis Ramsey, Sackett, Schreiber and Valley.

SULLIVAN: Barrus and Spaulding, and the amendment was adopted.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Hess, James Humphrey, Kidder, McLane, McNichol, Mitchell, Mullin, Pardy, Pelton, Arthur Perkins, Plourde, Rice, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Barka, Bisbee, William Boucher, Carpenito, Chapman, Collins, Connors, Davis, Robert Day, Dunfey, Felch, Flanagan, Carl Gage, Gibbons, Goff, Gould, Greene, Hartford, Hoar, Jones, Kane, Kashulines, King, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Parr, Pucci, Quimby, Anthony Randall, Richards, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian and Webster.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Tripp, Voll, Shirley White and Allen Wilson.

Question being on the Committee Report, a roll call was requested. Sufficiently seconded.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins.

NAYS 59

BELKNAP: Bowler and Rose.

CARROLL: Roderick Allen, Kenneth Smith and Towle.

CHESHIRE: Elmer Johnson.

COOS: Oleson.

GRAFTON: George Cate, Cornelius, Neil McIver and Taffe.

HILLSBOROUGH: Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, L. Penny Dion, Heald, Daniel Healy, Kaklamanos, Knight, Marcoux, McGlynn, Pappas, Peters, Plomaritis, Stylianos and Wallace.

MERRIMACK: Bibbo, Eugene Daniell, Foley, Polly Johnson, Donna MacIvor, Packard, Ralph and Rich.

ROCKINGHAM: Akerman, Benton, Blake, Blanchette, Campbell, Danforth, Beverly Gage, Ganley, Gaskill, Niebling, Norton, Parolise, Rogers, Sanborn, Vlack and Wojnowski.

STRAFFORD: James Herchek, Joncas, Dennis Ramsey, Schreiber and Valley.

SULLIVAN: Barrus and Spaulding, and the Committee Report was adopted.

Ordered to third reading.

HB 46, to improve services to the mentally retarded. Ought to Pass with Amendment. Rep. Tucker for Appropriations. This bill addresses staff deficiencies, fire life safety ward deficiencies, establishes unit control of drugs and individual assessments of client needs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. In addition to any other sums appropriated to the department of health and welfare, the following sums are hereby appropriated to the department of health and welfare, division of mental health, Laconia state school and training center, for the fiscal year ending June 30, 1979.

#### Fiscal Year 1979

I. Professional Care & Treatment	
22 Unit Dose Medication System	\$ 35,000
50 Other Personal Services	128,878
60 Benefits	19,020
92 Individual Client Assessments*	300,000

\*Funds hereby appropriated shall be used for consultant services only. The funds in this appropriation shall not be transferred or expended for any other purpose.

Total Professional Care & Treatment  
\$482,898

II. Custodial Care & Maintenance	
50 Other Personal Services	\$ 32,580
60 Benefits	4,887
96 Maintenance - own forces*	120,000

\*The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse.

Total Custodial Care & Maintenance \$157,467  
Total Paragraph I \$640,365  
& II

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 48, establishing public guardian offices and relative to professional guardians. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Amended by the Committee to keep the bill in line with federal guidelines and the level of funding only for 1979.

#### Amendment

Amend RSA 547-A:12, I, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

1. The financial standard of eligibility shall be set by the probate court utilizing as reference the eligibility standards, established by the probono program of the New Hampshire bar association, or any federal eligibility standards which are to take precedence in the case of a conflict. In the event that the person for whom a public guardian has been appointed receives through gift or inheritance an amount of money which causes that person's net worth or income to exceed the public guardian eligibility level, the public guardian shall so inform the court.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the division of welfare, department of health and welfare, the sum of \$8,000 for the fiscal year ending June 30, 1979, for the purposes of this act. Said sum shall be used only to match any federal funds made available for the purposes of this act and may not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.



HB 50, relative to restructuring the public utilities commission and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Amended by the Committee, the salaries of the commissioners have been adjusted to be in conformance with the unclassified salary study which is part of the present operating budget. As the fiscal watchdog of the legislature, the Committee felt that the Fiscal Committee should review the reclassification and/or adjustments in salaries.

#### Amendment

Amend sections 3 and 4 of the bill by striking said sections and inserting in place thereof the following:

#### 3 Commissioners Salaries Changed.

Amend RSA 94:1-a, I (supp) as inserted by 1969, 500:12 as amended by striking out of Group M of said paragraph the line "Public utilities commissioners" and inserting in Group O of said paragraph the following: (Public utilities commissioners).

#### 4 Chairman's Salary Changed. Amend RSA

94:1-a, I (supp) as inserted by 1969, 500:12 as amended by striking out of Group N of said paragraph the line "Public utilities commission chairman" and inserting in Group P of said paragraph the following: (Public utilities commission chairman).

Amend sections 7 and 8 of the bill by striking out said sections and inserting in place thereof the following:

7 Appropriation. The following sums are hereby appropriated to the public utilities commission for the purposes of section 1 of this act.

	Fiscal 1979
Permanent personal services	\$ 33,540
Salaries of the 5 commissioners	61,000
Benefits	14,181
	<u>\$108,721</u>

Estimated source of funds:\*

Utility assessment tax \$108,721

Total \$108,721

\*Other provisions of law notwithstanding. total expenditures of administration and support shall be assessed against the utilities.

#### 8 Personnel Reevaluation.

Notwithstanding the provisions of 1977, 600:89, the director of personnel shall undertake an examination of the need to reclassify or reevaluate the non-clerical classified positions of the commission created by section 1 of this act. The chairman of the commission shall submit to the director of personnel any material or information which the director shall request in order to facilitate this review. The director shall include as a standard for this review the classification and salary level of similar positions in other commissions in New England and in other states of similar size to New Hampshire. Any reclassification or adjustments in salary recommended as a result of said study shall take effect upon approval of the fiscal committee of the general court.

Additional expenses resulting from such reclassifications or adjustments shall be assessed against the utilities in accordance with RSA 363-A.

Amendment adopted.

Rep. Hoar offered an amendment.

#### Amendment

Amend RSA 363:14, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Communications which privately and ex parte address any representation, argument or other communication to the commissioners or commission staff with the purpose of influencing a decision on the basis of considerations other than those allowed by law are hereby prohibited; provided, however, that such prohibition shall not be deemed to prohibit written communications to the commissioners, copies of which are filed with the executive director.

The Clerk read the amendment in full.

Rep. Hoar explained the amendment.

Rep. Lessard spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Dickinson wished to be recorded in favor of the bill.

HB 60, relative to emergency diagnostic detention. Ought to Pass. Rep. Tucker for Appropriations.

This bill establishes civil procedures relating to emergency diagnostic detention, requiring that a criterion be met before detention and providing for protection of the rights of the detainee. This bill is urgent because the present statute is probably unconstitutional.

Ordered to third reading.

The Speaker called for the Special Orders.

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A). (Question being the motion by Rep. William Boucher moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate)

Rep. Boucher spoke to his motion.

Rep. George Wiggins spoke in favor of the motion.

Adopted.

Ordered to third reading.

HB 54, relative to landlord and tenant relations. (Question being the committee report of Ought to Pass)

Rep. Rich offered an amendment.

#### Amendment

Amend RSA 540-A:4, I (a), as inserted by section 1 of the bill, by striking out said



subparagraph and inserting in place thereof the following:

(a) All damages proximately caused by the violations; plus

The Assistant Clerk read the amendment in full.

Rep. Rich explained the amendment.

Rep. Foley spoke against the amendment.

On a voice vote the Speaker was in doubt and requested a division.

136 members having voted in the affirmative and 131 in the negative, the amendment was adopted.

Question being on the committee report.

A roll call was requested. Sufficiently seconded.

Reps. Lessard, James Herchek, Dianne Herchek abstained from voting under Rule 16.

(Speaker Presiding)

YEAS 206 NAYS 68

YEAS 206

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Mansfield and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Daniel Eaton, Galloway, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Proctor, Margaret Ramsay and Terry.

COOS: Burns, Fortier, Horton, Hunt, George Lemire, Poulin, Theriault, Alcide Valliere and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Crory, Dearborn, Hough, Logan, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Burke, Carswell, Coburn, Mark Connolly, Margaret Cote, Coughlin, Cullity, Catherine-Ann Dav, Arline Dion, L. Penny Dion, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Howard Humphrey, Thomas Hynes, Kalamanos, Knight, LaFleur, Mazur, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Kerry O'Connor, Orcutt, Pappas, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Edward Smith, Leonard Smith, Soucy, Sullivan, Sweeney, Wallace, Wallin and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Hess, James Humphrey, Polly Johnson, Kidder, McNichol, Mitchell, Mullin, Packard, Pardy, Pelton, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Trachy and Waters.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Davis, Dunfey, Erler, Felch, Beverly Gage, Ganley, Gaskill, Gibbons,

Gould, Greene, Hoar, Kashulines, King, Laycock, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Vlack, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Joncas, Joos, Lefavour, Maglaras, Meader, Morrisette, Nadeau, Osgood, Sackett, Schreiber, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend and George Wiggins.

NAYS 68

BELKNAP: Marshall French, Lawton, Marsh, Morin and Rose.

CARROLL: Kenneth Smith.

CHESHIRE: Matson and Vrakatitsis.

COOS: Cooney.

GRAFTON: Aldrich, Copenhaver, LaMott and Pepitone.

HILLSBOROUGH: Wilfrid Boisvert, Chagnon, Corser, Joseph Cote, Drewniak, Clyde Eaton, Joseph Eaton, Granger, Heald, Daniel Healy, Karnis, Armand Lemire, Roland Lemire, Lyons, Marcoux, Paradis, Plomaritis, Record, Simard, Stylianos, Van Loan, Geraldine Watson, Emma Wheeler, Robert Wheeler and James White.

MERRIMACK: Ayles, Bibbo, Chandler, Richard Hanson, Arthur Perkins, Rich and Ernest Valliere.

ROCKINGHAM: Akerman, Danforth, Robert Day, Flanagan, Carl Gage, Hartford, Jones, Kane, Norton, Parolise, Anthony Randall, Scamman and Tavitian.

STRAFFORD: Appleby, Kincaid, Maloomian, Preston, Dennis Ramsey, Ruel, Tripp and Shirley White.

SULLIVAN: Burrows and Spaulding, and the committee report was adopted.

Ordered to third reading.

HB 63, exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds. (Committee amendment adopted April 25. Question being ordering the bill to third reading.)

Rep. Howard offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and relative to road toll rebates.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Amend Date. Amend 1977, 193:2 by striking out said section and inserting in place thereof the following:

193:2 Effective Date. This act shall take effect September 12, 1975.

5 Effective Date. This act shall take effect upon its passage.

The Assistant Clerk read the amendment in full.

Rep. Howard spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 35, relative to providing exemptions from public utility status for certain electrical energy producers and setting rates for sale of power generated by those exempted producers. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

The Committee feels that the development and rehabilitation of hydropower in New Hampshire is a worthy public policy and thus supports this bill. However, rather than set the wholesale price of hydro-generated electrical power by statute, the Committee felt this should be determined by the Public Utilities Commission taking into account the average of various producers, peak prices and off-peak prices.

The 5 megawatt capacity cut-off for exemption from the usual utility filings was lowered to 1.4 megawatts to bring this act into conformity with federal regulations which recognize 2000 horsepower (or 1.4 mw) as being "lesser facilities."

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 362 the following new chapter:

CHAPTER 362-A  
Limited Electrical Energy  
Producers Act

362-A:1 Declaration of Purpose. It is found to be in the public interest to provide for small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain.

362-A:2 Exemption of Limited Electrical Energy Producers. Producers of electrical energy, not involving the use of nuclear or fossil fuels, with a developed output capacity of 1.4 megawatts or less shall not be considered public utilities.

362-A:3 Purchase of Output of Limited Electrical Energy Producers By Public Utilities. The entire output of electric energy of such limited electrical energy producers, if offered for sale, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.

362-A:4 Payment by Public Utilities for Purchase of Output of Limited Electrical Energy Producers. Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay not less than the average wholesale rate per kilowatt hour for such electrical power, as determined by the public utilities commission.

362-A:5 Settlement of Disputes. Any dispute arising under the provisions of this chapter may be referred by any party to the public utilities commission for adjudication.

Amendment adopted.

Rep. Eugene Daniell offered an amendment.

## Amendment

Amend RSA 362-A:2, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

362-A:2 Exemption of Limited Electrical Energy Producers. Producers of electrical energy, not involving the use of nuclear or fossil fuels, with a developed output capacity of not more than 5 megawatts shall not be considered public utilities and shall be exempt from all rules, regulations and statutes applying to public utilities.

Amend RSA 362-A:4, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

362-A:4 Payment by Public Utilities for Purchase of Output of Limited Electrical Energy Producers. Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay not less than the full average wholesale rate per kilowatt hour, including any fuel adjustment and demand charges, paid by New Hampshire electricity purchasers to New Hampshire suppliers of electricity. This price shall be determined quarterly by the public utilities commission.

The Assistant Clerk read the amendment in full.

Rep. Eugene Daniell explained the amendment, and yielded to questions.

Rep. Taylor spoke in favor of the amendment.

Rep. Taylor moved that the question be divided.

Adopted.

Question being on the amendment to 362-A:2.

The Assistant Clerk read the amendment.

Adopted.

Question being on the amendment to 362-A:4.

The Assistant Clerk read the amendment to 362-A:4.

Adopted.

Question being on the amended committee report.

Adopted.

Ordered to third reading.

HB 10, establishing the New Hampshire crime commission. (Committee amendment adopted April 25. Question being ordering the bill to third reading.)

Rep. Trachy offered an amendment, requested to dispense with the reading of the amendment and explained the amendment.

#### Amendment

Amend RSA 490-A:4 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

490-A:4 Judicial Planning Committee. To carry out the provisions of this chapter the supreme court shall create and appoint a judicial planning committee of the supreme court which may, in addition to any powers provided to the committee by the Crime Control Act of 1976 (PL 94-503), establish priorities and annual plans for the improvement of the courts; define, develop and coordinate programs and projects for court improvement; develop plans for the allocation and expenditure of private, local, state and federal monies available for the courts; carry out a program of systematic implementation of standards and goals for the court system; direct the preparation of court system budgets; evaluate grant requests deemed in the interest of the judicial branch of government; collect statistics and data on the court system; and to study the judicial impact of legislation impacting the court system. The committee may subject to the rules of the supreme court, employ a director and such staff and consultants as it may determine within the funds herein appropriated; and establish such subcommittees as deemed advisable.

Amendment adopted.

Ordered to third reading.

Rep. Chapman moved that HB 59, providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations, be taken from the table.

On a voice vote the Speaker was in doubt and requested a division.

111 members having answered in the affirmative and 120 in the negative the motion lost.

Rep. Raymond Conley moved that HB 27, concerning election laws, be taken from the table.

Motion adopted.

HB 27, concerning election laws.

Question being adoption of the Boisvert floor amendment.

Rep. Raymond Conley spoke against the amendment.

Rep. Wilfred Boisvert spoke in favor of the amendment.

Amendment lost.

Rep. Raymond Conley offered an amendment, requested to dispense with the reading of the amendment, explained the amendment and yielded to questions.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Filling Vacancies. Amend RSA 55:4 (supp) as amended by striking out in line 5 the word "biennial" and inserting in place thereof the following (annual meeting or city) so that said section as amended shall read as follows:

55:4 Vacancies. Vacancies in the board shall be filled by the remaining members. If there is only one member of the board, or if the whole board shall be vacant, the moderator shall make the appointments. Any such appointee shall be of the same political party as the supervisor whose place he is filling and he shall hold office until the next annual meeting or city election at which time a supervisor of the check-list shall be elected to serve for the unexpired term of the original elected supervisor of the check-list.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 60:8-a relative to municipalities using voting machines is hereby repealed.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Absentee Ballot Procedures. Amend RSA 60:8 (supp) as amended by striking out said section and inserting in place thereof the following:

60:8 Procedure by Moderator.

I. Election officials of a municipality shall not count absentee ballots until the polls are closed. However, election officials may perform all actions except the actual counting of the absentee ballots in the manner prescribed in paragraphs II, III and IV of this section provided that:

(a) The time for commencement of processing absentee ballots shall be posted by the moderator at each polling place with the warrant and shall be publicly announced by the moderator at the opening of the polls; and

(b) The time for commencement of processing absentee ballots shall be not earlier than 3 p.m. on election day; and

(c) Once processing of absentee ballots has commenced, it shall continue without interruption until completed.

II. Absentee ballots shall be deposited in the ballot boxes. The moderator shall clearly announce that he is about to open the envelopes which were delivered to him under the provisions of RSA 60:7. The moderator shall remove the inner envelopes containing the ballots of absentee voters and shall compare the signatures on the inner envelopes with the signatures on the application for the ballot. If

(a) the name of the voter is on the checklist; and

(b) the affidavits on the envelope appear to be properly executed; and



(c) the signatures on the affidavits appear to be executed by the same person who signed the application; and

(d) the signatures appear to be the signatures of a duly qualified voter who has not voted at the election, the moderator shall publicly announce the name of the absentee voter.

III. (a) After announcing the name of the voter, the moderator shall open the envelope containing the ballot so the affidavit on the envelope is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be opened or examined. The moderator shall then have a checkmark placed against the name of the absentee voter on the voting list by writing on the voting list the letters "A.V." in red ink, and shall then deposit the ballot in the ballot box.

(b) Notwithstanding any other provision of law, if a red ink "A.V." is properly placed against the name of a voter who has voted by absentee ballot, that voter against whose name the red ink "A.V." has been properly placed and who has voted by absentee ballot shall not be permitted to vote in person.

IV. If the moderator finds that the affidavit on the envelope is improperly executed, or that it is not signed by the person who signed the application attached to the envelope, or if the voter whose name appears on the envelope is not a qualified voter, or has voted in the election in person, the moderator shall not open the envelope. If the moderator finds that the voter is not entitled to vote he shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter", "voted in person", "affidavit improperly executed", "not signed by proper person", or whatever the reason is. The moderator shall save all the envelopes, opened or unopened and shall keep the envelopes with ballots cast at the election. The envelopes shall be preserved and destroyed in the same manner as provided for the retention, preservation, and destruction of official ballots.

7 Where to File for Office. Amend RSA 56:13 as amended by striking out said section and inserting in place thereof the following:

56:13 --Filing. Declarations of candidacy shall be filed as follows: For governor, for United States senator or for any other officer to be voted for throughout the state, for representative in congress, for councilor, for state senator and for county officer, with the secretary of state; for member of the house of representatives in a representative district containing one town or ward and for delegate to a state convention, with the clerk of the city or town within which such officers are to be voted for. In a representative district containing more than one town or ward the declaration of candidacy by the candidate shall be filed with the clerk of the city or town in which the candidate resides. Persons from unincorporated places shall

file with the town clerks of the towns designated by the secretary of state as the place to file under RSA 59:126.

8 Filing Fees. Amend RSA 56:14 by striking out said section and inserting in place thereof the following:

56:14 --Fees for Filing. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees: For governor and for United States senator, \$100; for any state officer, other than governor, to be voted for throughout the state, and for representative in congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for member of the house of representatives, \$2; for supervisor of the checklist, for moderator, for ward clerk or for selectman of a ward, \$1. The fees paid to a town or city clerk shall be paid to the treasurer of the town or city.

9 Alternate Time, Delivery of Ballots by Clerk. Amend RSA 60:7 (supp) as amended by striking out said section and inserting in place thereof the following:

60:7 Procedure, by Clerk. Upon receipt of the envelope (mailed or delivered to the town clerk), purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an official absentee voting ballot executed by the voter whose name appears thereon. All such envelopes shall be preserved unopened. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 60:8, I, the said clerk shall deliver all envelopes (with applications) received by him to the moderators in the several voting precincts in which the voters named therein assert the right to vote, taking a receipt from the moderator therefor. No absentee voter's ballot shall be cast or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 60:8, I on the day of the election.

10 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Rounds moved that HB 59, providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations, be taken from the table.

Motion lost.

Rep. Richard Hanson moved that HB 6, relative to home rule, be taken from the table.

Motion lost.



## COMMITTEE REPORTS (Cont.)

HB 5, requiring public utilities' rates to be based on a current level of services. Majority: Ought to Pass; Minority (Reps. M. Arnold Wight and John Mazur): Inexpedient to Legislate.

Majority: The Committee has endeavored to keep the matter of CWIP separated from the public debate over nuclear power and the credibility of Public Service Company. This has been most difficult.

The subject addressed in this bill, was embodied in HB 986 in the last Regular Session. It passed the House after lengthy debate but was indefinitely postponed by the Senate.

The Committee feels that the inclusion of CWIP in electric utility rates opens the door to a much wider application of this concept, say, pipeline companies, the telephone company or other utilities regulated by the N. H. Public Utilities Commission.

Several amendments were suggested including exempting our senior citizens from paying certain capital costs associated with construction of generating facilities, applying CWIP to New Hampshire plants only, delaying the effective date of this act or only allowing CWIP after the plant is 75% completed. All such proposed amendments were rejected in view of the overwhelming public support for this bill, the numerous town meetings which have urged adoption of HB 5 and the voluminous testimony received by the Committee.

The Committee feels that CWIP is a radical departure from traditional utility financing methods; that inclusion of CWIP in bills removes the normal constraints of the private money market and could be viewed as another step toward public ownership of an electric utility.

Minority: The minority of the Committee believes that the Committee has grossly underestimated the negative impact of this bill on the future of New Hampshire and senses very little inclination to negotiate a workable solution to the problem.

Rep. Lawton moved that HB 5 be Indefinitely Postponed and spoke to his motion.

Reps. Voll, Joseph Cote, Chapman, Taylor, Ingram, Parr, Chambers and Rounds spoke against the motion.

Reps. Appleby, Snell, Quimby, Emma Wheeler, Aldrich, Felch, Scamman, Elmer Johnson and James J. White spoke in favor of the motion.

Rep. Chambers yielded to questions.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Sackett, Hunt, Krause, LaFleur and Erler abstained from voting under Rule 16.

(Speaker Presiding)

YEAS 124 NAYS 153

YEAS 124

BELKNAP: Beard, Marshall French, Lawton, Mansfield and Sabbow.

CARROLL: Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Galloway, Irvin Gordon and Elmer Johnson.

COOS: Burns, Fortier and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buc'nan, George Gate, Dearborn, McAvoy, Pitestone, Snell, Glynetta Thomson and Ward.

HILLSBOROUGH: Ahern, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Chagnon, Coburn, Cullity, Clyde Eaton, Joseph Eaton, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Lamy, Armand Lemire, Mazur, Fred Murray, Nardi, Paradis, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Paul Riley, Stylianos, Sweeney, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Mitchell, Packard, Plourde, Doris Riley, Shepard, Stefanides, Stockman, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Barka, Benton, Bisbee, Campbell, Connors, Davis, Robert Day, Felch, Gaskill, Gould, Kashulines, King, Joseph McEachern, Norton, Quimby, Scamman, S'kinner and Webster.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, Osgood, Preston, Ruel and Tripp.

SULLIVAN: Barrus, D'Amante, Desnoyer, Lewko, Palmer, Scott and Spaulding.

NAYS 153

BELKNAP: Bowler, Gary Dionne, Hildreth, Marsh, Morin and Rose.

CARROLL: Roderick Allen and Raymond Conley.

CHESHIRE: Callahan, Daniel Eaton, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Horton, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Rounds, Stomberg, Taffe and Taylor.

HILLSBOROUGH: Aubut, Baker, Albert Bellemore, Carswell, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Kcklamanos, Roland Lemire, Lyons, Marcoux, McKlynn, McLaughlin, Morrison, Kerry O'Connor, O'Neil, Orcutt, Pappas, Plomaritis, Simard, Edward Smith, Leonard Smith, Soucy, Sullivan, Van Loan and Wallin.

MERRIMACK: Blakeney, Bodi, Milton Cate, Eugene Daniell, Hess, Donna MacIvor, McNichol, Mullin, Pardy, Pelton, Ralph, Rice, Rich, Gerald Smith and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Blake, Blanchette, William Boucher, Carpenito, Chapman, Collins, Danforth, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gibbons, Greene, Hartford, Hoar, Jones, Kane, Laycock, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Alfreda Smith, Spaine, Stimmell, Tavitian, Vlack and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Charles Grassie, Dianne Herchek, James Herchek, Joos, Maglaras, Meader, Morrisette, Nadeau, Dennis Ramsey, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, Gray, Ingram, Lucas, Sara Townsend and Tucker, and the motion lost.

Rep. M. Arnold Wight offered an amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Costs of Construction Work in Progress Excluded from Rate Base. Amend RSA 378 by inserting after section 7 the following new sections:

378:7-a Public Utility Rate Base; Exclusions. Public utility rates or charges shall not, except as provided in RSA 378:7-b, be based on the cost of construction work in progress. At no time shall any rates or charges be based upon any costs associated with construction work if said construction work is not completed, except as provided in RSA 378:7-b. All costs of construction work in progress, including but not limited to any costs associated with constructing, owning, maintaining or financing construction work in progress, shall not be included in a utility's rate base nor be allowed as an expense for rate making purposes until, and not before, said construction project is actually providing service to consumers or until the determinations required by RSA 378:7-b have been made. The intent of this section is to reinforce RSA 378:27 and 28.

378:7-b Exception. Notwithstanding the general exclusion of the cost of construction work in progress in 378:7-a, inclusion of such costs may be permitted

when the amount of work completed has reached 75 percent of total construction costs if:

I. such costs apply only to plants in New Hampshire;

II. such costs apply only to electric utilities and only to their share of electric generation plants in New Hampshire;

III. such costs apply only to major projects, of such electric utilities, of 800 megawatt units or greater;

IV. such costs will not be applied to rates charged to heads of household of 70 years of age or older; and

V. such costs are included only after July 1, 1981.

2 Effective Date: This act shall take effect on October 1, 1978.

The Clerk read the amendment in full.

Rep. Wight explained the amendment.

Reps. Cornelius, Eugene Daniell and Taylor spoke against the amendment.

Reps. Quimby and Marshall French spoke in favor of the amendment.

The previous question was moved.

Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Erler, Sackett, Krause, LaFleur and Hunt abstained from voting under Rule 16

(Speaker Presiding)

YEAS 125 NAYS 152

YEAS 125

BELKNAP: Beard, Marshall French, Lawton and Sabhow.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Galloway, Irvin Gordon and Elmer Johnson.

COOS: Burns, Fortier, Horton and Ma'bel Richardson.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Ahern, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Coburn, Cullity, Clyde Eaton, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Lamy, Mazur, McLaughlin, Fred Murray, Nardi, Paradis, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Stylianos, Sweeney, Geraldine Watson, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Packard, Plourde, Rich, Doris Riley, Shepard, Stefanides, Stockman, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Barka, Bisbee, Blake, Campbell, Connors, Davis, Robert Day, Felch, Gaskill, Gould, Hoar, Kashulines, King, Joseph McEachern, Norton, Quimby, Sanborn, Scamman, Skinner and Webster.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, Preston, Ruel and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, Desnoyer, Gray, Lewko, Scott, Spaulding and Tucker.

NAYS 152

BEUKNAP: Bowler, Gary Dionne, Hildreth, Mansfield, Marsh, Morin and Rose.

CARROLL: Roderick Allen.

CHESHIRE: Callahan, Daniel Eaton, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Cooney, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhagen, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Rounds, Stomberg, Taffe, Taylor and Ward.

HILLSBOROUGH: Aubut, Baker, Albert Bellemore, Carswell, Chagnon, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewmiak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Kaklamanos, Armand Lemire, Roland Lemire, Lyons, Marcoux, McGlynn, Morrison, Kerry O'Connor, O'Neil, Orcutt, Pappas, Plomaritis, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Sullivan, Van Loan, Wallace and Wallin.

MERRIMACK: Blakeney, Bodi, Milton Cate, Eugene Daniell, Hess, Donna MacIvor, McNichol, Mullin, Pardy, Pelton, Ralph, Rice, Gerald Smith and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Benton, Blanchette, William Boucher, Carpenito, Chapman, Collins, Danforth, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gibbons, Greene, Hartford, Jones, Kane, Laycock, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Schwaner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Charles Grassie, Dianne Herchek, James Herchek, Joos, Maglaras, Meader, Morrisette, Nadeau, Osgood, Dennis Ramsey, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: D'Amante, Ingram, Lucas, Palmer and Sara Townsend, and the amendment lost.

Question being on the adoption of the committee Report.  
A roll call was requested. Sufficiently recorded.

Reps. Sackett, Krause, Hunt, Erler and LaFleur abstained from voting under Rule 16.

(Speaker Presiding)  
YEAS 157 NAYS 117  
YEAS 157

BEUKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Marsh, Morin and Rose.

CARROLL: Roderick Allen and Raymond Conley.

CHESHIRE: Callahan, Daniel Eaton, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Wiswell, and Neila Woodward.

GRAFTON: Chambers, Copenhagen, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Rounds, Stomberg, Taffe and Taylor.

HILLSBOROUGH: Aubut, Baker, Bednar, Albert Bellemore, Carswell, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewmiak, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Kaklamanos, Armand Lemire, Roland Lemire, Lyons, Marcoux, McGlynn, Morrison, Kerry O'Connor, O'Neil, Orcutt, Pappas, Plomaritis, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Sullivan, Van Loan, Wallace and Wallin.

MERRIMACK: Blakeney, Bodi, Milton Cate, Eugene Daniell, Hess, Donna MacIvor, McNichol, Mullin, Pardy, Pelton, Ralph, Rice, Gerald Smith and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Blake, Blanchette, William Boucher, Carpenito, Chapman, Collins, Danforth, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gibbons, Greene, Hartford, Hoar, Jones, Kane, Laycock, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Charles Grassie, Dianne Herchek, James Herchek, Joos, Maglaras, Meader, Morrisette, Nadeau, Dennis Ramsey, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Gray, Ingram, Lucas, Sara Townsend and Tucker.

NAYS 117

BEUKNAP: Beard, Lawton, Mansfield and Sabbow.

CARROLL: Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Galloway, Irvin Gordon and Elmer Johnson.



COOS: Burns, Horton and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, McAvoy, Pepitone, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Belanger, Wilfrid Boisvert, Bosse, Burke, Chagnon, Coburn, Cullity, Clyde Eaton, Joseph Eaton, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Lamy, Mazur, McLaughlin, Fred Murray, Nardi, Paradis, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Paul Riley, Sweeney, Geraldine Watson, Emma Wheeler, James White and M. Arnold White.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Mitchell, Packard, Plourde, Rich, Doris Riley, Shepard, Stefanides, Stoc'man, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Barka, Benton, Bisbee, Campbell, Connors, Davis, Felch, Gaskill, Gould, Kashulines, King, Norton, Quimby, Scamman, Skinner and Webster.

STRAFFORD: Appleby, Belhumeur, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, Osgood, Preston, Ruel and Tripp.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Lewko, Palmer, Scott and Spaulding, and the committee report was adopted.

Ordered to third reading.

Reps. Beard, Maynard and Lessard wished to be recorded in favor of HB 5.

Reps. Knight, Dickinson and George Wiggins wished to be recorded against HB 5.

Rep. Daniel Healy notified the Clerk he would be exercising his constitutional prerogative by recording his dissent to the passage of HB 5 in the Journal.

#### INTRODUCTION OF SENATE RESOLUTION First and second reading

SCR 1, proposing a solution to the current stalemate over commencement of the 1978 special session of the general court.

Reps. Marshall French and Chambers moved that SCR 1 be indefinitely postponed.

Rep. Marshall French spoke in favor of the motion.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, the Manchester Delegation offered the following:

#### RESOLUTIONS

##### ON THE DEATH OF HONORABLE GEORGE T. HEALY

WHEREAS, we have learned with sorrow of the death of George Healy, Representative from Manchester, and

WHEREAS, Representative Healy served diligently as a member of the House of Representatives for three terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

The Subcommittee on Resolutions and Screening having approved its admittance the Derry Delegation offered the following:

#### RESOLUTIONS

##### ON THE DEATH OF HERBERT L. MacGREGOR

WHEREAS, we have learned with sorrow of the death of Herbert L. MacGregor, former Representative from Derry; and

WHEREAS, Representative MacGregor served diligently as a member of the House of Representatives for three terms; and

WHEREAS, he served his community faithfully and with efficiency; therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family; and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns it be to meet at the call of the Chair.

Rep. Chambers spoke in favor of the motion.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 7, relative to the operation of stat liquor stores on Sundays and making an appropriation therefor.

HB 16, amending the statute on the program of special education and making an appropriation therefor.

HB 26, relative to annual equalization of valuations.

HB 34, authorizing certain stores to sell table wine.

HB 46, to improve services to the mentally retarded.

HB 48, establishing public guardian offices and relative to professional guardians.



HB 50, relative to restructuring the public utilities commission and making an appropriation therefor.

HB 60, relative to emergency diagnostic detention.

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled.

HB 54, relative to landlord and tenant relations.

HB 47, to conform the state unemployment compensation law to federal requirements specified in P. L. 94-566 as amended.

HB 4, relative to the use of time-of-use and time-of-day rates by electric utilities.

HB 5, requiring public utilities' rates to be based on a current level of services.

HB 35, relative to providing exemptions from public utility status for certain electrical energy producers and setting rates for sale of power generated by those exempted producers.

HB 27, concerning election laws.

HB 65, regulating places where massages are given and their employees.

HB 32, relative to certain amendments to the operating budget.

HB 22, making appropriations for capital improvements and making certain other budgetary amendments.

HB 31, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor.

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A).

HB 10, establishing the New Hampshire crime commission.

HB 63, exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and relative to road toll rebates.

#### RECESS

#### INTRODUCTION OF SJR and SENATE BILLS

First, second reading and referral

SB 25, establishing a permanent joint legislative committee on elderly affairs. (Legislative Administration)

SB 42, relative to directional signs. (Public Works)

SB 39, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. (Resources, Recreation and Development)

SB 20, relative to the fill and dredge in wetlands. (Resources, Recreation and Development)

SB 49, allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee. (Municipal and County Government)

SB 2, relative to the application and expenditure of federal funds and making an appropriation therefor. (Appropriations)

SB 11, making a supplemental appropriation to the cancer commission. (Appropriations)

SB 13, relative to the operating budget for fiscal years 1978 and 1979. (Appropriations)

SB 26, to correct errors and omissions from the 1977 session. (Rules)

SB 33, relative to school committee elections in the city of Manchester. (Education)

SB 23, relative to the plumber licensing law. (Commerce and Consumer Affairs)

SB 18, increasing the funds provided for land acquisition in the Monadnock-Gap Mountain area. (Resources, Recreation and Development)

SB 36, relative to persons with a walking disability. (Transportation)

SB 31, relative to exempting certain vehicles from the motor vehicle certificate of title law. (Transportation)

SB 47, amending staggered legislative requirements for certain motorized and non-motorized vehicles; pro-rating transfer fee and staggering inspection dates on commercial vehicles. (Transportation)

SJR 3, reimbursing the Prescription Center of Concord, New Hampshire, Inc., for payments due under lease agreements with state agencies and making an appropriation therefor. (Appropriations)

SB 10, authorizing a liquor license and beverage permit for the Nippo Golf and Country Club in Barrington. (Regulated Revenues)

SB 14, relative to the possession of a gambling machine classified as an antique. (Judiciary)

SB 34, relative to granting liquor licenses and beverage permits to convention centers and relative to the seating capacity of restaurant cocktail lounges. (Regulated Revenues)

SB 43, concerning serving alcoholic beverages in restaurants housed in buildings or structures over 100 years old. (Regulated Revenues)

SB 30, relative to the revocation or suspension of non-resident operating privileges. (Transportation)

SB 35, relative to the court's jurisdiction over juvenile delinquents. (State Institutions)

SB 9, amending the state industrial development act. (Resources, Recreation and Development)

SB 24, authorizing the town of Carroll to raise more than normal overlay and legalizing the town meeting in Epping. (Municipal and County Government)

SB 40, relative to building and waste disposal system inspections. (Municipal and County Government)

#### Recess

Rep. James J. White inquired of the Chair as to the posture of the House in regard to introduction of additional Senate bills should any be transmitted after the scheduled May 25th session of the other body.

The Speaker stated that the House would continue to be in recess thereby permitting such introductions without the necessity of expending an additional Session Day.

#### Recess

# HOUSE JOURNAL 11

*Tuesday, 6 Jun 78*

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain.  
Rev. Milton L. Smith, Sr.

"Little Jack Horner sat in a corner,  
eating a Christmas pie. He stuck in his  
thumb, pulled out a plum, and said, My, what  
a good boy am I!"

This piece of wood is a maple "nug" or  
"junk" of maple - cut and piled last fall in  
my back yard. Piled on the north side of  
the parsonage in the shade.

Kind of exciting! New life sprouts!  
But this chunk of maple is kiddin' itself!  
Unless someone is willing to "plug" it  
in, reunite it with the source of life it  
will die. That's no joke! Even then the  
odds are great! It cannot go it on its  
own! No way!

There's always enough sap in most  
everything and everyone to make it or them  
believe, "we can go it on our own!"

Not so! We need to be in tune with the  
source of life for LIFE!

Let us pray:

Lord God, source of all life, may the  
sunshine, spring greens, that first cup of  
coffee, a smile, the touch of love, the  
roads that connect us with this place,  
vehicles that brought us here, the countless  
folks who make things ready, the morning  
paper, the people who pick up the "cab," the  
robin and the petunia remind us that You are  
not finite things or persons are the source  
of all life. Lord, may we plug into You  
this new day and live - with mercy, truth  
and love. In the name of the Man who shows  
us how. Amen!

Rep. Podles led the Pledge of Allegiance

## LEAVES OF ABSENCE

Reps. Found, Scranton, Chapman, Michael  
Hanson, Mann, Lachance, Nemzoff-Berman,  
Sackett, Helen Wilson, Gemmill, Peters,  
Orcutt, Bodi, Galloway, Patenaude, Cutcliffe,  
Miller and D'Amante, the day, important  
business.

Reps. Record, Harold Thomson, Forsaith  
Daniels, Edmund Keefe, Barrett, Cummings,  
Daniel Healy, Carpenito, William Desmarais,  
Cotton and Schreiber, the day, illness.

## INTRODUCTION OF GUESTS

Mrs. Laura Whittemore of Alton and Seth  
Sanders, guest and son of Rep. Sanders.

## SUSPENSION OF RULES

Reps. Marshall French and Spirou moved  
that the rules be so far suspended as to  
permit the consideration of committee  
reports on SB 14, relative to the possession  
of a gambling machine classified as an  
antique, SB 24, authorizing the town of  
Carroll to raise more than normal overlay  
and legalizing the town meeting in Epping,  
SB 26, to correct errors and omissions from  
the 1977 session, and SB 23, relative to the

## INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 5, providing for the restructuring of  
the Hooksett liquor stores and the  
construction of a Hampton liquor store and  
making an appropriation therefor. (Public  
Works)

SB 37, revising the law relative to  
lobbyists. (Legislative Administration)

SB 53, revising the procedure by which  
public officers may be removed from office.  
(Executive Departments and Administration)

## RECESS

## SENATE MESSAGE CONCURRENCE

HB 5, requiring public utilities' rates  
to be based on a current level of services.

HB 34, authorizing certain stores to  
sell table wine.

Rep. James J. White  
For the Committee

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 52, relative to immunity from legal  
action under the workmen's compensation law.  
SB 28, relative to product liability  
actions.

The Rules Committee having approved its  
introduction, Rep. Marshall French offered  
the following:

Resolved, that HB 67, relative to  
salaries of classified state employees,  
shall be by this resolution read a first and  
second time, laid on the table for printing  
and referred to the Committee on  
Appropriations.

Adopted.

## INTRODUCTION OF HOUSE BILL

HB 67, relative to salaries of  
classified state employees. (Spirou of  
Hillsborough Dist. 27; Chambers of Grafton  
Dist. 13; Coutermarsh of Hillsborough Dist.  
24; Cornelius of Grafton Dist. 13; Hildreth  
of Belknap Dist. 6; C. Winn of Hillsborough  
Dist. 19; Krasker of Rockingham Dist. 22;  
French of Belknap Dist. 1; Griffin of  
Rockingham Dist. 19; Lyons of Hillsborough  
Dist. 13; Tucker of Sullivan Dist. 4;  
Perkins of Merrimack Dist. 18; Bernier of  
Hillsborough Dist. 36; Blanchette of  
Rockingham Dist. 14; Collins of Rockingham  
Dist. 5; Copenhaver of Grafton Dist. 13;  
Dunfee of Rockingham Dist. 12; Ganley of  
Rockingham Dist. 13; Lessard of Stratford  
Dist. 20; McGlynn of Hillsborough Dist. 21;  
Niebling of Rockingham Dist. 13; O'Neil of  
Hillsborough Dist. 32; Parolise of  
Rockingham Dist. 5; Poulin of Coos Dist. 9;  
Proctor of Cheshire Dist. 14; Rice of  
Merrimack Dist. 20; Russell of Cheshire  
Dist. 13; Wallin of Hillsborough Dist. 16)

Rep. Marshall French moved that the  
House adjourn.

Adopted.

plumber licensing law, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

The Sub-committee on Growth of the Resources, Recreation and Development gave a report and a slide presentation by the Forum of New Hampshire's Future.

Reps. Ganley, Nancy Gagnon, Ladd, M. Arnold Wight explained the report.

Report accepted.

#### COMMITTEE REPORTS

HB 67, relative to salaries of classified state employees. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill increases salaries and benefits for classified state employees and temporary and seasonal personnel by 6% according to Factfinders' Report of April 19, 1978.

#### Amendment

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Revenue Estimates. Amend 1977, 600:93 by striking out said section and inserting in place thereof the following: 600:93 Estimates of Unrestricted Revenue:

General fund	1978	1979
Beer	4,525,000	4,750,000
Board and Care	8,300,000	9,350,000
Business profits tax	48,600,000	46,800,000
Estate and legacy taxes	6,400,000	6,300,000
Insurance	10,800,000	11,550,000
Liquor	32,500,000	33,500,000
Meals and rooms	14,800,000	16,500,000
Other	17,825,000	18,200,000
Parks income	3,200,000	2,780,000
Greyhound racing	9,300,000	9,650,000
Harness racing	2,625,000	2,625,000
Thoroughbred racing	4,925,000	4,925,000
Telephone	6,550,000	6,900,000
Tobacco	26,000,000	26,000,000
Utilities	2,300,000	2,400,000
Total	198,650,000	202,230,000

Highway fund		
Gasoline road toll	41,461,825	43,327,607
Motor vehicle fees	19,010,620	19,366,878
Miscellaneous	1,351,200	1,371,200
Total	61,823,645	64,065,685

Fish and game fund		
Fish and game licenses	2,624,000	2,848,000
Fines and penalties	15,000	17,000
Miscellaneous sales	56,000	67,500
Marine gas tax	30,000	30,000
Indirect costs	136,576	134,921
Total	2,861,576	3,097,421

13 Effective Date. This act shall take effect June 16, 1978

Amendment adopted.

Ordered to third reading.

Reps. Bodi and Orcutt wished to be recorded in favor of HB 67.

SB 2, relative to the application and expenditure of federal funds and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The amendment leaves SB 2 intact for the recapture of Federal Funds, but continues the Fiscal Committee in its present capacity.

#### Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to be expended by the comptroller pursuant to the provisions of RSA 124-A:14 the sum of \$10,000 for fiscal year 1979. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Appropriation. There is hereby appropriated to be expended by the comptroller for implementation of this act the sum of \$40,000 for fiscal year 1979. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Further amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SB 11, making a supplemental appropriation to the cancer commission. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

SB 11 makes a supplemental appropriation to the Cancer Commission to fund the position of a field representative from October 29, 1978 to June 30, 1979.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Supplemental Appropriation. In addition to any other sums appropriated, the sum of \$7,747 for fiscal year 1979 is hereby appropriated to the cancer commission to be expended as follows:

	Fiscal 1979
Cancer commission	
Field representative	
10 permanent personal services	\$6,737
60 benefits	1,010
Total	\$7,747



Amendment adopted.

Ordered to third reading.

(Speaker presiding)

YEAS 47 NAYS 240

YEAS 47

SB 13, relative to the operating budget for fiscal years 1978 and 1979. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The bill establishes a study committee to review harbor masters and mooring procedures and to determine if the best interest of the State is served.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a study committee to recommend the best interest of the state in issuing mooring permits.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a study committee for the purpose of determining what would be in the best interest of the state regarding the issuance of mooring permits in the tidal waters of the state, the question whether the commissioner of resources and economic development or the New Hampshire port authority should have jurisdiction over the issuance of said permits shall be determined by the study committee, and said committee shall submit its findings and recommendations to the 1979 session of the general court. The committee shall consist of 5 members, 3 members of the house of representatives to be appointed by the speaker of the house and 2 members of the senate to be appointed by the president of the senate; provided, however, that the members appointed by either the speaker or the president shall remain on the study committee whether or not they are members of the general court when the committee makes its final report of findings and recommendations to the general court.

The committee shall elect one of its members as chairman and shall meet as frequently as necessary or at the call of the chairman. The committee members shall not be compensated for service on the committee but shall be entitled to legislative mileage for work performed in connection with said committee.

2 Effective Date. This act shall take effect upon its passage.

Reps. Griffin, Norton and Maynard spoke against the amendment.

Reps. Felch, Claflin and Krasker spoke against the amendment and yielded to questions.

Reps. LaMott and Hildreth spoke in favor of the amendment and yielded to questions.

Rep. LaMott requested a roll call. Sufficiently seconded.

BELKNAP: Marshall French, Hildreth and Rose.

CARROLL: Towle.

CHESHIRE: Close, Fillback, Hogan, Krause, Marshala and Margaret Ramsay.

COOS: Mabel Richardson.

GRAFTON: Hough and LaMott.

HILLSBOROUGH: Wilfrid Boisvert, Colson, Corser, Cullity, Madigan, Martineau, Nardi, Normand, Paradis, Simard, Stahl, James J. White and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, Milton Gate, Gamache, Richard Hanson, Kidder, McLane, Mitchell, Rich, Ernest Valliere and Wiviott.

ROCKINGHAM: Kane, Mavnard and Quimby.

STRAFFORD: Joncas and Allen Wilson.

SULLIVAN: Desnover, Lewko, Palmer, Spaulding and Tucker.

NAYS 240

BELKNAP: Bowler, Gary Dionne, Lawton, Morin, James Murray, Nighswander, Kenneth Randall, Sabhow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Dostilio, Daniel Eaton, Anne Gordon, Irvin Gordon, Ladd, Matson, Proctor, Russell, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Chambers, Clark, Copenhaver, Cornelius, Dearborn, Myri Eaton, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Arnold, Aubut, Barrett, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Brody, Burke, Carswell, Chagnon, Coburn, Joseph Cote, Margaret Cote, Coutermarsh, Catherine-Ann Day, L. Penny Dion, Dreniak, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Kalamanos, Karnis, Keefe, Knight, Lafleur, Lamy, Levesque, Lyons, Marcoux, Martel, Martin, Mazur, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Kerry O'Connor, Pelletier, Arnold Perkins, Plomaritis, Podles, Henry Richardson, Paul Riley, Leonard Smith, Soucy, Spiro, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, Cecelia Winn and John Winn.



MERRIMACK: Ayles, Bellerose, Bibbo, John Gate, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Polly Johnson, LaBranche, Donna MacIvor, McNichol, Mullin, Packard, Arthur Perkins, Plourde, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Waters and Robert Watson.

ROCKINCHAM: Aeschliman, Akerman, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Collins, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niehtling, Norton, Parolise, Parr, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kincaid, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Brodeur, Frizzell, Gray, Ingram, Scott, Sara Townsend and George Wiggins. and the amendment lost.

Ordered to third reading.

Rep. Quimby notified the Clerk that he voted yea and meant to vote nay.

SJR 3, reimbursing the Prescription Center of Concord, New Hampshire, Inc. for payments due under lease agreements with state agencies and making an appropriation therefor. Ought to Pass. Rep. Tucker for Appropriations.

A supplemental appropriation to allow the State to complete payment for leased quarters for 1973 to 1976.

Ordered to third reading.

SB 33, relative to school committee elections in the city of Manchester. Ought to Pass. Rep. Catherine-Ann Day for Education.

The Committee felt that SB 33, which modifies the method of election of school board members in the city of Manchester, should go before the voters of Manchester in a referendum in the November 1978 election, so that the problem can be clarified before the next school board election. Committee vote 11 - 0.

Ordered to third reading.

HB 56, excusing a school board from its duty to provide education to residents of military installations. Opinion requested of Supreme Court April 18 by HR 6.

#### SUPREME COURT OPINION ON HB 56

The undersigned justices of the supreme court submit the following reply to the inquiry contained in your resolution dated April 25, 1978, and filed with this court on April 28, 1978.

The proposed statute, entitled "an act excusing a school board from its duty to provide education to residents of military installations," reads as follows:

1 Full Pavment Required. Amend RSA 189:1-a (supp) as inserted by 1969, 356:10 as amended by striking out said section and inserting in place thereof the following:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils under 21 years of age who reside in the district, excluding those students residing on a military installation, unless funds are provided by the federal government for the full cost of their education either by tuition or reimbursement, provided that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5. 2 Effective Date. This act shall take effect 60 days after its passage.

The Supreme Court of the United States has specifically rejected the notion that federal enclaves are "states within a state." Evans v. Cornman, 398 U.S. 419, 421 (1970); Howard v. Comm'rs of Louisville, 344 U.S. 624, 627 (1953). This fiction cannot be resurrected here to assert that individuals residing on military installations are not residents of the State. Simply that a minor child resides on a federal military installation does not mean that he or she is not a resident of New Hampshire, at least for the purpose of determining whether public education must be provided. We read Evans as requiring that our State treat these minor children as residents of the school district in which the military installation is located.

Because these minor children are residents of the State, they are entitled to the protection of both the federal and New Hampshire constitutions. See Opinion of the Justices, 115 N.H. 222, 223, 337 A.2d 354, 356 (1975) ("(e)qual protection of the laws is guaranteed by both the New Hampshire and the United States Constitutions. N.H. CONST. pt. I, art. 1; U.S. CONST. amend. XIV, S 1") Equal protection mandates that those residents who are similarly situated be similarly treated. Id.

The House bill in question attempts "to exclude certain residents from those to whom a school board has a duty to provide an education." In San Antonio School Dist. v. Rodriguez, 411 U.S. 1 (1973), the Supreme Court rejected a constitutional challenge to the State of Texas' system of financing public education. The Court held that the equal protection clause of the fourteenth amendment does not protect any "fundamental right" to education, and that therefore the classification involved in the Texas school financing scheme need only rationally further a legitimate State interest or

purpose. San Antonio School Dist. v. Rodriguez id. passim. However, the court in Rodriguez left open the possibility "that an absolute minimum of educational benefits may be demanded of government in order to avoid inequalities in the right to speak or to vote . . . ." Tribe, American Constitutional Law S 16-9, at 1005 (1978), citing San Antonio School Dist. v. Rodriguez, 411 U.S. at 36-37. Thus although under Rodriguez there might be no federally protected right to "equal education," there might be a federally preferred interest in certain minimum educational opportunities. At any rate, regardless whether Rodriguez so holds as a matter of federal law, we are not limited by federal constitutional minima. See State v. Hogg, 118 N.H. , A.2d (April 25, 1975); Angwin v. Manchester, 118 N.H. , A.2d (May 9, 1976). We are of the opinion that before the State may totally exclude certain residents from the public school system, it must articulate a reasonable basis for doing so. See San Antonio School Dist. v. Rodriguez, 411 U.S. at 70 (Marshall, J. dissenting); Tribe, supra at S 16-30, -31.

No interested party has filed briefs or memoranda articulating a reasonable basis for the proposed statute's denial of access to education. Given the posture of the question presented we are unable to say that the bill is constitutional. The answer to your question is therefore "yes."

We note that under 20 U.S.C. s 236 et seq. the federal government provides educational assistance to local school districts in areas affected by federal activity. If the underlying reason that this bill was sponsored was a belief that the federal government is not assisting certain school districts to the full extent required by statute, the local school districts do have some alternative avenues of relief. At least one federal district court has held that the federal courts have jurisdiction to review alleged abuses of discretion in paying funds to local school districts under 20 U.S.C. s 236 et seq. School Board v. Richardson, 332 F. Supp. 1263 (N.D. Fla. 1971).

Rep. Boucher moved that HB 56 be referred to the Committee on Education for Interim Study.  
Adopted.

SB 53, revising the procedure by which public officers may be removed from office. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

This measure adds a hearing before a master to the removal procedure, but the final responsibility remains with the Governor and Council. Questions with regard to the possible cost and appointment of the master call for further study. This legislation can wait for the 1979 regular session.

Referred to the Committee on Executive Departments and Administration for Interim Study.

SB 25, establishing a permanent joint legislative committee on elderly affairs. Ought to Pass with Amendment. Rep. Lyons for Legislative Administration.

This bill should be passed, but should not be held hostage to a precedent setting inequality in House and Senate representation. Therefore, the Committee has recommended ought to pass with amendment.

#### Amendment

Amend RSA 17-H:2, as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

17-H:2 Membership. The committee shall consist of 9 members: 6 representatives appointed by the speaker of the house, and 3 senators appointed by the president of the senate.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Filling of Vacancies. Any vacancies in the committee, as established by section one of this act, shall be filled by either the speaker of the house or the president of the senate as is appropriate.

Amendment adopted.

Ordered to third reading.

SB 37, revising the law relative to lobbyists. Majority: Ought to Pass; Minority (Reps. Chambers and James J. White): Ought to Pass with Amendment.

MAJORITY: The original lobbyist control act was passed in 1909. Sixty-nine years later this bill as passed by the Senate moves toward updating the reporting and accountability of lobbyists' activities.

MINORITY: The only justification given at the hearing for passing this bill in its present form was because it had been passed by the Senate.

Rep. Cornelius offered an amendment.

#### Amendment

Amend RSA 15:1 as inserted by section 1 of the bill by inserting after paragraph I the following new paragraph:

II. "Lobbying Activity" means activity by a lobbyist to influence action on any legislation pending or proposed before the general court, including appearing to testify before a legislative committee in an open hearing session, communicating in person, by telephone, or by mail with members, officers or employees of the general court, and providing food, refreshments, entertainment, lodging, transportation, gifts, contributions or other things of value to members, officers or employees of the general court where the value of any such item so provided exceeds \$1.

Reps. Cornelius and James White spoke in favor of the amendment and yielded to questions.

Reps. Lyons, Vrakatitsis and Hess spoke against the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 122 NAYS 175

YEAS 122

BELKNAP: Bowler, Hildreth, Lawton, Morin, Nighswander, Rose and Sabbow.

CARROLL: Roderick Allen.

CHESHIRE: Close, Daniel Eaton, Proctor, Russell and Terry.

COOS: Cooney, Bradley Haynes, Hunt, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Chambers, Copenhagen, Cornelius, Rounds, Stomberg, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Barrett, Albert Bellemore, Emile Boisvert, Bosse, Brody, Burke, Corser, Joseph Cote, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dreniak, Flynn, Gelinas, Kaklamanos, LaFleur, Lamy, Madigan, Marcoux, Martel, Martin, McGlynn, Nardi, Normand, Kerry O'Connor, Pappas, Plomaritis, Simard, Edward Smith, Leonard Smith, Spirou, Stahl, Francis Sullivan, Wallace, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, Carroll, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, McLane, Mitchell, Mullin, Parady, Plourde, Ralph, Rice, Rich, Gerald Smith, Tarr and Doris Thompson.

ROCKINGHAM: Aeschliman, Blake, Blanchette, Collins, Connors, Carl Gage, Ganley, Goff, Hoar, Kane, Krasker, Laycock, Maynard, Donna McEachern, Niebling, Parolise, Scamman, Alfreda Smith, Splaine, Wojnowski and Wolfsen.

STRAFFORD: Appleby, Charles Grassie, Hebert, James Herchek, Horrigan, Joos, Lessard, Morrisette, Nadeau, Ruel, Tripp and Allen Wilson.

SULLIVAN: Lewko.

NAYS 175

BELKNAP: Gary Dionne, Marshall French, James Murray, Kenneth Randall and Sanders.

CARROLL: Clafin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Marshala, Margaret Ramsay, Vrakatitsis and Whipple.

COOS: Fortier, Horton, George Lemire, Oleson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Dearborn, Hough, LaMott, McAvoy, Pepitone, Snell, Taffe, Taylor and Glyneta Thomson.

HILLSBOROUGH: Ainley, Alter, Arnold, Aubut, Belanger, Wilfrid Boisvert, Carswell, Chagnon, Coburn, Margaret Cote, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Karnia, Keefe, Knight, Levesque, Lyons, Martineau, Mazur, McLaughlin, Morgan, Morrison, Fred Murray, Paradis, Pelletier, Arnold Perkins, Podles, Henry Richardson, Soucy, Stylianos, Kevin Sullivan, Van Loan, Wallin, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, John Cate, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McNichol, Packard, Doris Riley, Shepard, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, William Boucher, Campbell, Cunningham, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Gaskill, Gibbons, Gould, Greene, Griffin, Hartford, Jones, Kashulines, King, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Norton, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vlack, Webster and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Canney, Donnelly, Dianne Herchek, Joncas, Kincaid, Maglaras, Maloomian, Meader, Osgood, Preston, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Ingram, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the amendment lost.

Question being on ordering to third reading.

Ordered to third reading.

SB 24, authorizing the town of Carroll to raise more than normal overlay and legalizing the town meeting in Epping. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the towns of Bethlehem and Carroll to raise more than 5 percent overlay.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. It is the intention of this act to provide for payments of judgments concerning the Mount Washington property owners (International Investor's Trust) but will not involve a tax increase for this matter.



2 Towns of Bethlehem and Carroll: Overlay. Notwithstanding any other provision of law to the contrary, the selectmen of the towns of Bethlehem and Carroll are hereby authorized to raise more than 5% overlay to provide for abatements of taxes due to tax judgments in suits finalized during calendar years 1977 and 1978.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SB 40, relative to building and waste disposal system inspections. Inexpedient to Legislate. Rep. Emile Boisvert for Municipal and County Government. The Committee does not agree with this bill.

Resolution adopted.

SB 49, allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee. Ought to Pass. Rep. Arnold Perkins for Municipal and County Government.

This bill simply permits the towns and cities to lay water or sewer lines under railroad tracks without paying a monthly rate for the privilege of passing through the railroad line.

Ordered to third reading.

SB 5, providing for the restructuring of the Hooksett liquor stores and the construction of a Hampton liquor store and making an appropriation therefor. Majority: Ought to Pass; Minority (Rep. James J. White): Inexpedient to Legislate.

MAJORITY: The State needs the money, and the longer it takes to construct these liquor stores the more the State will be losing in revenue. To Appropriations.

MINORITY: SB 5 is already contained in HB 22. The minority feels if SB 5 is permitted to pass as single legislation, the legislative procedure is circumvented. This opens the door for pet legislation by various special interests. There is no conflict with the concept of revenue raising.

Rep. LaMott moved that the Minority report, Inexpedient to Legislate, be substituted for the Majority report, Ought to Pass.

(Rep. Marshall French in the chair)

Rep. LaMott spoke to his motion and yielded to questions.

Reps. Fortier, Keller and Coburn spoke against the motion.

Reps. Hildreth, Bibbo, James White and Tucker spoke in favor of the motion and yielded to questions.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 226 NAYS 74

YEAS 226

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, James Murray, Nighswander, Kenneth Randall, Rose and Sabhow.

CARROLL: Clafin, Raymond Conley, Dickinson, Howard, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Bradley Haynes, Hunt, Oleson, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Hough, LaMott, Pepitone, Rounds, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Arnold, Aubut, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Brody, Chagnon, Corser, Margaret Cote, Coutermarsh, Crotty, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Joseph Eaton, Flynn, Nancy Gagnon, Gelinas, Girolimon, Cort Hansen, Head, Heald, Kaklamanos, Karnis, Keefe, LaFleur, Lyons, Madigan, Marcoux, Martel, Martin, Martineau, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Plomaritis, Simard, Edward Smith, Leonard Smith, Soucy, Spiro, Stahl, Kevin Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Hess, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mullin, Packard, Parady, Ralph, Rice, Rich, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Benton, Blake, Blanchette, William Boucher, Campbell, Cunningham, Danforth, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kincaid, Lessard, Maglaras, McManus, Meader, Nadeau, Osgood, Preston, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Frizzell, Gray, Palmer, Spaulding, Sara Townsend and Tucker.



NAYS 74

BELKNAP: Lawton and Morin.

CARROLL: Roderick Allen, Keller and Kenneth MacDonald.

CHESHIRE: Fillback.

COOS: Fortier, Horton, George Lemire, Mabel Richardson and Theriault.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Myrl Eaton, McAvoy, Snell and Glyneta Thomson.

HILLSBOROUGH: Barrett, Belanger, Burke, Carswell, Coburn, Joseph Cote, Coughlin, Gabrielle Gagnon, Granger, Sal Grasso, Howard Humphrey, Knight, Levesque, Mazur, Pelletier, Arnold Perkins, Podles, Henry Richardson and Stylianos.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, Chandler, Gamache, James Humphrey, Mitchell, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Barka, Bisbee, Connors, Erler, Kashulines, Joseph McEachern, Nelson, Norton, Sytek, Tavitian, Webster and Wolfesen.

STRAFFORD: Donnelly, Joncas, Maloomian and Ruel.

SULLIVAN: Brodeur, Burrows, Desnoyer, Ingram, Lewko, Scott and George Wiggins, and the motion was adopted.  
Resolution adopted.SB 42, relative to directional signs.  
Inexpedient to Legislate. Rep. Coburn for Public Works.

It was felt that this bill would be more properly brought up at the next regular session.

Resolution adopted.

SB 10, authorizing a liquor license and beverage permit for the Nippo Golf and Country Club in Barrington. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The Committee felt it was not good legislation to specify a single business and changed it to allow a general provision. Amendment also makes bill effective on passage. Vote was 8 - 2.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing licenses and permits for certain restaurants in Barrington.

Amend RSA 178:3-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

178:3-a Licenses for Restaurants. The commission may issue a license to any first-class restaurant in any town, if such restaurant also holds a permit provided under RSA 181:4, which shall entitle the licensee to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, with meals at tables only in the restaurant; said liquor and/or fortified wines to be consumed with meals at tables only in the approved dining rooms of said restaurant. Minimum charge for said meals shall be not less than one dollar each. The determination of what is a first class restaurant is to be within the discretion of the commission. Licenses shall be granted only to such restaurants as the commission at its discretion shall approve and then only to such restaurants as can show the commission on forms and under regulations prescribed by the commission that at least 60 percent of the gross sales shall fall within the category of food. Annually thereafter or as may seem necessary the commission shall review each license and/or each application for renewal on the conditions stated in this section. No license shall be granted to any restaurant under the provisions of this section in any town or city that has voted to prohibit the sale of alcoholic beverages within its confines. Notwithstanding the fact that the towns of Newington, New Hampton, Landaff and Barrington have voted or vote in any referendum to prohibit the sale of liquor and beverages, a permit as provided in RSA 181:4 and a license to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, to bona fide customers with meals at tables only, may be issued to any first-class restaurant in said towns of Newington, New Hampton, Landaff and Barrington but only if the restaurant is open and does business at least 10 months of every calendar year and said restaurant shall meet all other requirements of this section.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Limited Effectiveness. RSA 178:3-a as inserted by section 1 of this act shall be effective only until January 1, 1979, at which time RSA 178:3-a as it was before the passage of this act shall again be the law.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Sanborn moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Cunningham spoke against the motion.

Rep. Sanborn requested a roll call.  
Sufficiently seconded.

(Speaker Presiding)  
YEAS 151 NAYS 153  
YEAS 151

BELKNAP: Bowler, Gary Dionne, Morin, Nighswander and Rose.

CARROLL: Roderick Allen, Raymond Conley, Dickinson and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Anne Gordon, Hogan, Elmer Johnson, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Terry and Whipple.

COOS: Bradley Haynes, Oleson, Theriault and Willey.

GRAFTON: Buckman, Clark, Copenhaver, Crory, Dearborn, Hough, Pepitone, Taffe and Madeline Townsend.

HILLSBOROUGH: Ainley, Arnold, Emile Boisvert, Bosse, Carswell, Coburn, Corser, Margaret Cote, Gelinas, Granger, Cort Hansen, Head, Kalamianos, Karnis, LaFleur, Levesque, Lyons, Martin, McLaughlin, Morrison, Fred Murray, Plomaritis, Henry Richardson, Simard, Edward Smith, Leonard Smith, Kevin Sullivan, Wallin and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Blakeney, Milton Cate, Eugene Daniell, Gamache, Hess, Polly Johnson, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Rich, Doris Riley, Shepard, Gerald Smith, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bishee, Blake, Blanchette, Campbell, Collins, Danforth, Dunfey, Erler, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, Lovejoy, Maynard, Nelson, Niebling, Norton, Parolise, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Vlack, Webster and Zabarsky.

STRAFFORD: Horrigan, Joos, Kincaid, Maglaras, McManus, Morrisette, Osgood, Preston, Donald Smith, Tripp, Valley and Voll.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Lewko, Spaulding and Sara Townsend.

#### NAYS 153

BELKNAP: Marshall French, Hildreth, Lawton, James Murray, Kenneth Randall and Sabbow.

CARROLL: Claflin, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Irvin Gordon, Krause and Vrakatitsis.

COOS: Cooney, Fortier, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Cornelius, Myrl Eaton, LaMott, McAvoy, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Baker, Barrett, Belanger, Wilfrid Boisvert, Brack, Brody, Burke, Chagnon, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon,

Sal Grasso, Heald, Howard Humphrey, Keefe, Knight, Lamy, Madigan, Marcoux, Martineau, Mazur, McGlynn, Normand, Kerry O'Connor, Pappas, Pelletier, Arnold Perkins, Podles, Soucy, Spirou, Stahl, Stylianos, Van Loan, Wallace, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Laurent Boucher, Carroll, John Cate, Chandler, Foley, James Humphrey, Kidder, Packard, Pardy, Ralph, Rice, Stockman, Tarr, Doris Thompson, Trachy and Waters.

ROCKINGHAM: Akerman, Barka, Benton, William Boucher, Connors, Cunningham, Davis, Robert Day, Felch, Flanagan, Beverly Gage, King, Krasker, Laycock, Donna McEachern, Joseph McEachern, Pucci, Scamman, Tavitian, Wojnowski and Wolfen.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Hebert, Dianne Herchek, James Herchek, Joncas, Lessard, Maloomian, Meader, Madeau, Ruel, Torrey, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Ingram, Palmer, Scott, Tucker and George Wiggins, and the motion lost.

Question being on adoption of the committee report, a roll call was requested. Sufficiently seconded.

(SPEAKER PRESIDING)

YEAS 153 NAYS 151

YEAS 153

BELKNAP: Marshall French, Hildreth, Lawton, James Murray, Kenneth Randall and Sabbow.

CARROLL: Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Irvin Gordon, Krause and Vrakatitsis.

COOS: Cooney, Fortier, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Cornelius, Myrl Eaton, LaMott, McAvoy, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Baker, Barrett, Belanger, Wilfrid Boisvert, Brack, Brody, Burke, Chagnon, Coburn, Joseph Cote, Coughlin, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Gelinas, Girolimon, Sal Grasso, Heald, Howard Humphrey, Keefe, Knight, Lamy, Marcoux, Martineau, Mazur, Normand, Kerry O'Connor, Pappas, Pelletier, Arnold Perkins, Plomaritis, Podles, Simard, Soucy, Spirou, Stahl, Stylianos, Van Loan, Wallace, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Laurent Boucher, Carroll, John Cate, Chandler, Foley, James Humphrey, Kidder, Packard, Pardy, Ralph, Rice, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, William Boucher, Connors, Cunningham, Davis, Robert Day, Felch, Flanagan, Beverly Gage, King, Krasker, Laycock, Donna McEachern, Joseph McEachern, Pucci, Quimby, Scamman, Webster, Wojnowski and Wolfson.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Hebert, Dianne Herchek, James Herchek, Kincaid, Lessard, Maloomian, Meader, Nadeau, Ruel, Torrey, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Ingram, Scott, Tucker and George Wiggins.

NAYS 151

BELKNAP: Bowler, Gary Dionne, Morin, Nighswander and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Anne Gordon, Hogan, Elmer Johnson, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Terry and Whipple.

COOS: Bradley Haynes, Oleson, Theriault and Wiley.

GRAFTON: Buckman, Clark, Copenhaver, Crory, Dearborn, Hough, Pepitone, Taffe and Madeline Townsend.

HILLSBOROUGH: Ainley, Arnold, Emile Boisvert, Bosse, Carswell, Corser, Margaret Cote, Coutermarsh, Nancy Gagnon, Granger, Cort Hansen, Head, Kaklamanos, Karnis, LaFleur, Levesque, Lyons, Madigan, Martin, McGlynn, McLaughlin, Morrison, Fred Murray, Henry Richardson, Edward Smith, Leonard Smith, Kevin Sullivan, Wallin and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Blakeney, Milton Gate, Eugene Daniell, Gamache, Hess, Polly Johnson, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Rich, Doris Riley, Shepard, Gerald Smith, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blake, Blanchette, Campbell, Collins, Danforth, Dunfey, Erler, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, Lovejoy, Maynard, Nelson, Niebling, Norton, Parolise, Parr, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Tavitian, Vlack and Zabarsky.

STRAFFORD: Horrigan, Joncas, Joos, Maglaras, McManus, Morrisette, Osgood, Preston, Donald Smith, Tripp, Valley and Voll.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Lewko, Palmer, Spaulding and Sara Townsend, and the committee report was adopted.

Ordered to third reading.

SB 34, relative to granting liquor licenses and beverage permits to convention centers and relative to the seating capacity of restaurant cocktail lounges. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

The Committee favors deletion of the paragraph on seating capacity (which was added by Senate amendment), in order to leave the law unchanged, also changed the effective date to date of passage. Vote was 9 - 1.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to granting liquor licenses and permits to convention centers.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Effective Date. This act shall take effect on its passage.

Amendment adopted.

Ordered to third reading.

SB 43, concerning serving of alcoholic beverages in restaurants housed in buildings or structures over 100 years old. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

The Committee did not consider this measure urgent or readily enforceable - prefers action in next regular session. Vote was 10 - 1.

Resolution adopted.

SB 9, amending the state industrial development act. Majority: Inexpedient to Legislate; Minority (Reps. Kevin F. Sullivan and Oleson): Ought to Pass.

MAJORITY: This bill significantly alters the expressed purpose of the State Industrial Development Act to create and preserve job opportunities in New Hampshire. The Committee heard testimony from the Industrial Development Authority that the amendments offered in SB 9 were drafted by its counsel at the request of the Pennichuck Water Works.

The majority of the Committee (8-4) believes that SB 9 which was conceived for a limited objective to serve the interests of one company would make an incompatible and inappropriate use of the state's authority under this act and in so doing would open the door to any public utility (electrical power, telephone, etc.) to seek similar financing assistance from the state.

MINORITY: This bill would save the consumers in Nashua approximately 10% on their water bills. It merely adds water



supply facilities to industrial facilities and water pollution facilities as qualifying for tax exempt bonding.

Rep. Kevin Sullivan moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

The Minority and Majority of the committee being in agreement, the Speaker placed the bill at the end of the calendar.

SB 18, increasing the funds provided for land acquisition in the Monadnock-Gap Mountain area. Ought to Pass. Rep. Dickinson for Resources, Recreation and Development.

This bill increases the appropriation for land in the Monadnock-Gap Mountain area to reflect the appraised value of the property. Unanimous vote.

Ordered to third reading.

SB 20, relative to fill and dredge in wetlands. Without Recommendation. Rep. Dickinson for Resources, Recreation and Development.

This bill is reported Without Recommendation by unanimous vote of the Committee because time did not allow for drafting and considering the necessary amendment before the deadline for filing the Committee Report. Unanimous vote.

Rep. Dickinson moved that HB 20 be referred to the committee on Resources, Recreation and Development for Interim Study. Adopted.

SB 39, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. Ought to Pass. Rep. Schreiber for Resources, Recreation and Development.

The Committee vote on this bill was 13 - 0. SB 39 which combines HB 690, HB 311 and SB 171 - all passed by the House in regular session - provides improvements in the wetlands regulatory procedures. The Committee approved the Senate modifications and noted the Senate vote of 13 - 8.

The bill has received support from both development and conservation interests and strong support from the localities. The Committee concurs with the Senate and with the favorable testimony received in the hearings and finds this bill to warrant ought to pass without amendment by the House.

Ordered to third reading.

SB 26, to correct errors and omissions from the 1977 session. Ought to Pass with Amendment. Rep. Marshall French for Rules.

SB 26 is the Senate's omnibus bill.

The committee recommends that the bill be amended as follows:

---Delete Sections 1, 2, 4, 5, 6, 22, 25 and 26.

---Amend Sections 10, 11, 13 and 19.

---Concur in all other sections.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Registration Fees. Amend RSA 262:1, I and II (supp) as inserted by 1977, 314:5 by striking out said paragraphs and inserting in place thereof the following:

#### I. Flat fees:

(a) For agricultural vehicles, a motor vehicle or truck used for agricultural and farming purposes only and used on the public highways within a radius of 20 miles from the main entrance of the farm upon which said vehicle is operated, or used to transport animals and agricultural products to agricultural fairs and exhibits for exhibition purposes only, provided that such vehicle under such limited registration shall not be used for the purposes of transporting products for sale or for hire --\$2.

(b) For each farm truck or combination of motor type tractor and semi-trailer used only for the transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farm owned, operated, or occupied by the registrant, for the first 16,000 pounds --\$25; for any additional weight above 16,000 --\$.60 per hundredweight.

(c) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes --\$25. (The farm truck or combination truck/tractor and semi-trailer so registered under RSA 262:1, I, (b) and (c), shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used for the retail delivery of milk. In the event that a farm truck registered under the \$25 fee as provided in RSA 262:1, I (c), and thereafter registered for general use during the same

Introduction of SCR NO. 2, commemorating the thirtieth anniversary of Israel's independence. (printed SJ May 31 P. 157)

The Assistant Clerk read the resolution.

Rep. Eugene Daniell spoke against the resolution.

Rep. Griffin spoke in favor of the resolution.

Adopted.

RECESS



registration year, such fee shall be applied toward the fee for such general registration.)

(d) For each tractor used for agricultural purposes only, each vehicle of a tractor type used for agricultural purposes only and used to draw another vehicle in such a way that part of the load is carried on such towing vehicles --\$2.

(e) For antique motor cars --\$5.

(f) For air compressors --\$5.

(g) For cement mixers --\$5.

(h) For saw rigs --\$5.

(If the equipment cited in RSA 262:1, I (f) - (h), is towed exclusively within limits of a single city or town, the state registration fee shall not be collected.)

(i) For each road oiler or bituminous distributor --\$75.

(j) For each motorcycle --\$10.

(k) For each moped --\$3.

(l) For each motorcycle with side car --\$13.

(m) For each motor vehicle used exclusively as a school bus or a bus for transportation of minors to and from functions of religious organizations and nonprofit organizations --\$25. (The provisions of subparagraph (m) shall not apply to municipally owned vehicles nor to vehicles of public utilities or common carrier.)

(n) For each trailer or semi-trailer upon which is permanently mounted a power substation or transformer and associated equipment used for standby or emergency purposes in the public service --\$5.

(o) For motorized locomotives of the American Legion --\$5.

(p) For plates issued to motor vehicles repairmen for use on any unregistered motor vehicle not owned by him and temporarily in his custody for no other purpose than for the trial or adjustment of such motor vehicle --\$25. for the first set of plates, \$10 for each additional set of plates.

(q) For each motor vehicle, trailer, semi-trailer or tractor owned by or under the control of a manufacturer of or a dealer in motor vehicles, trailers, semi-trailers or tractors --\$50 per set for first 3 plates.

(1) For every additional plate --\$8.

(2) Dealer's temporary plate --\$.50 each.

(r) For motor vehicles owned by or under control of a motor vehicle junk licensee --\$25 up to first 6,000 lbs. Over 6,000 lbs. to 8,000 lbs., \$.50 per 100 lbs. gross weight; 8,001 lbs. -- up \$.60 per 100 lbs. gross weight.

(s) For motorcycles owned or under the control of a manufacturer or dealer in motorcycles --\$15 per set of first 3 plates.

(1) For every additional plate --\$2.

(2) Temporary plate for motorcycle dealers --\$.20 each.

(t) For mopeds owned or under the control of a manufacturer or dealer in mopeds --\$15 per set for first 3 plates.

(1) For every additional plate --\$2.

(2) Temporary plate for moped dealers --\$.50 each

(u) For each transporter --\$35.

Additional sets of number plates at \$20 per set.

(v) For each utility dealer registration --\$35. Additional number plates at \$10 per plate.

## II. Pro-rated fees:

(a) For all motor vehicles other than those in RSA 262:1, I:

0-3000 lbs.	\$12 (\$1 per month)
3001-5000 lbs.	\$24 (\$2 per month)
5001-8000 lbs.	\$36 (\$3 per month)
8001-up	\$.60 per 100 lbs. gross weight

(b) For truck tractors, semi-trailers or automobile utility trailers, in the registration of each tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby:

0-500 lbs.	gross weight	\$2.00
501-1000 lbs.	gross weight	\$4.00
1001-1500 lbs.	gross weight	\$5.00
1500-3000 lbs.	gross weight	\$10.00
3001-4500 lbs.	gross weight	\$15.00
4501-6000 lbs.	gross weight	\$25.00
6001-8000 lbs.	gross weight	\$.50 per 100 lbs. gross weight
8001-up		\$.60 per 100 lbs. gross weight

A registration fee of \$1.08 shall be paid for each 100 pounds or portion thereof of gross weight a vehicle is registered for in excess of 73,280 pounds.

For additional semi-trailer used in connection with such truck tractor, the registration fee shall be \$25.

(c) For equipment mounted on trucks of which the equipment is an integral part of the unit, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in sub-paragraph (b).

(d) If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, the fee shall be increased by 1/2 for each whole month or part thereof remaining until the end of the month in which such anniversary will occur.

(e) In all other cases, the fee shall be determined by multiplying 1/12 of the registration fee times the total number of whole months and any part of a month remaining until the end of the month in which the anniversary of the owner's birth occurs, or the last day of the month as designated by the director of the division of motor vehicles as the month for termination of the registration period.

2 Vital Statistics Forms. Amend RSA 126:2 as amended by striking out said section and inserting in place thereof the following:

126:2 Statistical Forms. The division of public health services shall make rules and regulations relative to facts which must be recorded relative to births, marriages, divorces, deaths and fetal deaths. The registrar of vital statistics for the state shall furnish to sextons, to clergymen and others authorized to solemnize marriages, to physicians, town clerks, clerks of the superior courts, responsible institutions, and clerks of the Society of Friends, a copy of this chapter and suitable forms for recording facts as required by the department of health and welfare, division of public health services, hereunder.

3 Clerks' Return. Amend RSA 458:15 as amended by striking out said section and inserting in place thereof the following:

458:15 Clerks' Returns. The clerks of the superior court shall, in their respective counties at which divorces are granted, make monthly returns to the registrar of vital statistics.

4 Taking Deer with Bow and Arrow.

I. Amend RSA 208:5 (supp) as amended by striking out said section and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon the payment of a fee of \$7.50, or any nonresident upon the payment of a fee of \$20.50, shall be issued a special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow for the period of October first to the end of the regular deer season of each year throughout the state and in Bear Brook Refuge under the following conditions: A person holding such special license shall, notwithstanding RSA 208:7, be entitled to kill one deer under said special license and one deer as a holder of a firearms hunting license. Said special archery license shall also entitle the holder to hunt wildlife with bow and arrow during the open season therefor under the following conditions: If said nonresident not holding a New Hampshire hunting license shall be a person under 16 years of age, he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is 18 years of age or over. A special archery license shall not be required for residents less than 16 years of age, but such person while hunting with bow and arrow must be accompanied by a properly licensed person who is 18 years of age or over, and must further comply with all the provisions of this chapter. No person hunting under the provisions hereof shall carry any firearms and no deer shall be taken with firearms under the archery license. The prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under the provisions of this section shall notify a conservation officer within 48 hours of such taking.

II. Amend RSA 206:10 (supp first) as amended by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other law to the contrary, the executive director shall issue a resident fishing, hunting, or combination fishing and hunting license upon the payment of the appropriate fee for said license to any resident alien who has resided in the state for at least 6 months and who has paid his resident tax. As used in this paragraph, "resident alien" means an individual who is not a United States citizen but who has been recognized by the U.S. Immigration and Naturalization Service as being a permanent resident in the United States. The executive director may require proof of such resident alien status prior to issuing a license under this paragraph.

5 Fish and Game Agent's Accounting; Penalties. Amend RSA 214:15 (supp) as amended by striking out said section and inserting in place thereof the following:

214:15 Agent's Accounting.

I. The agent shall collect from the licensee a fee of 50 cents for each license issued and shall account to the director for the full face value of the licenses. He shall on the first day of each month pay to the director the full face value of all licenses sold and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director. All licenses sold at the department headquarters or any subagency thereof shall charge the same fee as outlined herein. Such fee shall be credited to the fish and game fund.

II. If the accounting and payment required by paragraph I of this section is not received by the director on or before the fourteenth day of the month, the agent who is delinquent shall be assessed and pay a penalty equal to 10% of the amount due or \$10 whichever is greater. In addition, such agent shall be assessed and pay, for each month, or part thereof, during which the accounting and payment remain delinquent, interest at the rate of one per cent per month. Penalties collected hereunder shall be credited to the fish and game fund. The commission may, by majority vote, elect to waive for just cause any penalty imposed under this section.

6 Fish and Game Licenses; Comptroller's Accounting. Beginning June 30, 1978 and each year thereafter the comptroller shall, at the time of closing the state accounting records, include June license sales reported by licensed fish and game agents in July as the prior year's revenue.

7 Birth Registration Cards. Amend RSA 126:13 (supp) as amended by striking out said section and inserting in place thereof the following:

126:13 Birth Registration Cards. The registrar of vital statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be \$3. However, under no circumstances shall any information relative to any adoption be disclosed or

given out by the registrar of vital statistics, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

#### 8 Foreign Medical Certificate.

I. Amend 1977, 158:4 by striking out same and inserting in place thereof the following:

158:4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1979.

II. Sections 2 and 3 of this act shall take effect January 1, 1978.

III. Board of Medicine Disciplinary Expenditures. Amend RSA 329:2 as inserted by 1977, 417:2 by adding after paragraph IV thereof the following new paragraph:

V. With the approval of the attorney-general and the governor and council, to compensate the board's counsel, assistants and investigators appointed in connection with its activities under RSA 329:17, 17-a, 17-b, 17-c and 18, on warrant of the governor out of any money in the treasury not otherwise appropriated, provided that any sums so expended shall be included in the computation of fees established for the subsequent fiscal year under RSA 329:2, VI.

III. Board of Medicine Licensing Fees. Amend RSA 329:2, IV as inserted by 1977, 417:2 by striking out said paragraph and inserting in place thereof the following:

IV. To establish fees for examination of applicants, for licenses and for renewal of licenses to practice medicine, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board, including expenses under RSA 329:2, V for the previous fiscal year;

9 Agreement Under the Trade Act. Amend RSA 282:21 (supp) as inserted by 1977, 600:37 by striking out said section and inserting in place thereof the following:

#### 282:21 Agreement Authorized.

I. The department of employment security, through its commissioner, is hereby authorized to enter into an agreement with the secretary of labor of the United States to act as agent of the United States to carry out the provisions of chapter 2 of title II of the Trade Act of 1974 (P.L. 93-618), and to perform such acts and do all those things necessary to fully carry out such agreement.

II. Said agreement to be effective July 1, 1977 or a date thereafter which is determined to be in the best interest of the state of New Hampshire, its citizens and taxpayers.

III. Solely for the purposes of carrying out the agreement authorized in paragraph I of this section, and notwithstanding other provisions of this chapter to the contrary, the provisions of this section permit (a) the payment of unemployment compensation benefits to an

individual undergoing a training or retraining program under said federal law, (b) an individual to receive unemployment compensation benefits though supplemented by a trade readjustment allowance, and (c) the use of monies in the contingent fund provided by RSA 282:10-c for payment to the United States of America where it has been found that there was gross negligence, fraud or failure to take appropriate recovery action by New Hampshire under the terms of the agreement.

10 Repeal. RSA 282:21 relative to agreements under the Trade Act of 1974 is hereby repealed.

11 Taking of Alewives. Amend RSA 211:48-a (supp) as inserted by 1967, 183:1 as amended by striking out said section and inserting in place thereof the following:

211:48-a Alewives. No person shall use a seine or net or weir for the taking of alewives from the waters of New Hampshire unless he is a bona fide resident of the state.

12 Appropriation. The sums hereinafter set forth in this section are hereby appropriated for the water supply and pollution control commission for the purpose of completing all phases of the interceptor and central treatment facilities initially authorized under the provisions of laws of 1972, 36.

I. Interceptors and pumping stations.

(a) Winnepesaukee river	
basin	\$6,150,000
Less federal	4,612,500
Less local	<u>307,500</u>

Net appropriation  
subparagraph (a) \$1,230,000

(b) Interceptor sewer and related facilities

Gunstock ski	
area	\$ 600,00
Less federal	450,000
Less local	<u>30,000</u>

Net appropriation  
subparagraph (b) \$ 120,000

Total appropriations \$1,350,000

II. Prior Appropriations. All balances remaining from prior appropriations from capital improvements in the Winnepesaukee river basin pollution control program shall not lapse or be transferred or used for any other purposes. Any unexpended portions shall be added to the appropriation of the commission in any succeeding fiscal year to be used for the purposes contained herein. Any sums remaining from the appropriation in section 14 or previous appropriations for the Winnepesaukee river basin program shall lapse upon certification of completion of the project by the water supply and pollution control commission.

III. Bonds Authorized. To provide funds for the total of the appropriations of state funds made available in section 14 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,350,000 and for said purpose may issue bonds and notes in the name of the state of New Hampshire and in accordance with the provisions of RSA 6-A.



13 Repeal of Dissolution and Reinstatement of Fashion Neckwear Company, Inc. Amend 1977, 564:1 by striking therefrom the name of Fashion Neckwear Company, Inc. (Hudson, 1972) as a corporation whose charter is repealed, revoked and annulled. Fashion Neckwear Company, Inc. shall hereby be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to the effective date of 1977, 564:1, July 15, 1977.

14 Charters Reinstated. The repeal, revocation and annulment of the charters of Matthew Thornton Health Plan, Inc. (Nashua, 1971); American Community Club (Manchester, 1949); Morton E. Goulder Foundation (Hollis, 1965); and Gordon Research Conferences (New London, 1956), mandated by RSA 292:25, and their dissolution is hereby revoked and the charters of the above specified nonprofit corporations are reinstated retroactive to the time of repeal, revocation, annulment and dissolution so that said corporations shall have continuous existence from the date of their incorporation.

15 Operating After Revocation or Suspension of Non-resident Operating Privileges. Amend RSA 262:27-b (supp) as inserted by 1967, 281:1 as amended by striking out said section and inserting in place thereof the following:

262:27-b Operating After Revocation or Suspension. Any person convicted of operating a motor vehicle in this state after his license to operate has been suspended or revoked or after his operating privileges have been suspended or revoked shall be guilty of a misdemeanor.

16 Inspection of Milk Products. Amend RSA 184:102 as inserted by 1963, 289:1 by striking out said section and inserting in place thereof the following:

184:102 Injunctions. In addition to the provisions of RSA 184:101, the superior court, upon complaint of the director, shall have jurisdiction to restrain and enjoin any act forbidden or declared illegal by this chapter. It shall be the duty of the several county attorneys, in their respective counties, to enforce and restrain any violation of this chapter.

17 Boat Operation Penalty; Violation. Amend RSA 270:18 (supp) as amended by striking out in line 8 the work "misdemeanor" and inserting in place thereof the following (violation) so that said section as amended shall read as follows:

270:18 Penalty. If any person shall operate any boat required to be registered hereunder without registration, or shall violate any provision of RSA 270, or any rule or regulation prescribed by the department of safety relating to the equipment or operation of such boats, or shall refuse or fail when requested to exhibit to any duly authorized representative of the department the certificate of registration of such boat, he, and the owner of said boat if the same is operated with his permission or assent, shall be guilty of a violation.

18 Nonresident Motor Vehicle Registration. Amend RSA 260:35 by striking out said section and inserting in place thereof the following:

260:35 "Resident" Defined; Exemption Because of Nonresidence. The term resident, as used in this subdivision, shall apply to persons who have a regular abode or place of business in this state for at least 6 months in the calendar year, provided that a nonresident who garages a vehicle exclusively in this state may register such vehicle in this state as a nonresident. No exemption from the payment of a permit fee shall be granted by reason of non-residence except by the director, who shall in all cases require proof satisfactory to him of residence elsewhere, and of the liability of a non-resident owner, otherwise entitled to such exemption, to pay a property tax on his motor vehicle for the current year in the state of his residence.

19 Effectiveness of Corporate Amendments; Procedure Changes. Amend RSA 294:12 (supp) as amended by striking out said section and inserting in place thereof the following:

294:12 Amendments of Articles of Agreement or Action Taken Prior to Issuance of Stock. In case the articles of agreement or any action taken at the organization meeting (other than action relating solely to the by-laws) shall be amended by the incorporators before any stock shall have been issued a record of amendment, signed under penalties of perjury by the treasurer and a majority of the directors, shall be prepared, setting forth a true copy of the vote effecting such amendment, and stating that it has been duly adopted by the incorporators. Such record shall be recorded in the office of the secretary of state upon payment of the fee as herein provided.

20 Internal Statutory References Adjusted. Amend RSA 294:15, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. When statements of amendment required by RSA 294:12, 44 and 48 are delivered for recording by the secretary of state, he shall, before recording the same, determine that:

- (a) the statement of amendment relates to a corporation currently in good standing;
- (b) the statement is signed; and
- (c) the fee required by RSA 294:114 or 115 has been paid.

21 Recording Procedure Adjusted. Amend RSA 294:46 (supp) as amended by striking out said section and inserting in place thereof the following:

294:46 Recording Procedure Adjusted.

Amend RSA 294:46 (supp) as amended by striking out said section and inserting in place thereof the following:

294:46 Recording. Thereupon such record shall be recorded in the office of the secretary of state, upon payment of the fee as herein provided, and the secretary of state shall issue a certificate in the following form:



## STATE OF NEW HAMPSHIRE

Be it known that (name of corporation) has filed in the office of the secretary of state a record of amendment, signed under the penalties of perjury by the treasurer and a majority of the directors, which statement recites that the following vote was duly adopted by vote of the (stockholders or directors) at a meeting held on ....., 19...

Witness my official signature hereunto subscribed and the seal of the State of New Hampshire hereunto affixed this.....day of.....in the year....

22 Action by Consent; Scope Expanded. Amend RSA 294:81-b (supp) as inserted by 1977, 407:21 by striking out said section and inserting in place thereof the following:

294:81-b Directors Action by Consent. Unless otherwise prohibited by the articles of agreement or by-laws, any action required by this chapter to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors of a corporation, may be taken without a meeting if all of the directors sign consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of directors' meeting and shall have the same effect as a unanimous vote.

23 Statutory Reference Changed. Amend RSA 294:115 as amended by striking out said section and inserting in place thereof the following:

294:115 Amendment Not Increasing Capital Stock; Recording Fee. The fee for recording any record of amendment required by RSA 294:12 or 46 which does not embody an increase in the authorized capital stock shall be \$15.

24 Effective Date.

I. Sections 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of this act shall take effect upon passage.

II. Section 9 shall take effect July 1, 1977.

III. Section 1 shall take effect July 31, 1978.

IV. Section 10 shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

SB 35, relative to the court's jurisdiction over juvenile delinquents. Ought to Pass with Amendment. Rep. Aeschliman for State Institutions.

This bill continues the jurisdiction of the court over a juvenile who has committed an offense prior to his eighteenth birthday, but whose petition is filed under RSA 169 after the juvenile's 18th birthday.

The amendment requires separation of juveniles from adults in adult correctional facilities. The requirement is essential to retain federal funds.

## Amendment

Amend RSA 169:14 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

169:14 Disposition of Delinquents; Probation; Institution Care. When a child is found to be delinquent, the court may commit the child to the youth development center or require the child to make restitution or continue the case with such orders as to care, custody and probation as justice and the welfare of the child require. However, no child shall be confined or committed to a correctional institution maintained for adults unless he can be separated from adults as provided by RSA 169:8 or has first been certified and tried as an adult pursuant to RSA 169:21 and afforded to the procedural rights applicable to that section. After the delinquent child has passed the age of 17 years, the court may, under its continuing jurisdiction, commit him either to the youth development center, house of correction or jail, for all or any part of the term of his minority; provided that if final disposition is made after his eighteenth birthday, pursuant to the court's continuing jurisdiction as provided by RSA 169:29-a, he may be committed to the house of correction or jail for a term of days or months which does not extend beyond his nineteenth birthday. A summary of the probation officer's investigation shall accompany each commitment. All records pertaining to cases of delinquency shall be kept at all times so that no one, except by court order, other than officers of the institution where the child is committed, duly accredited probation officers and others entrusted with the corrective treatment of said child, shall have access to the same. Any officer or employee of an institution who permits other than authorized persons to have access to such records, or any officer or employee or person entrusted with the use of the same for corrective purposes, or anyone else, who publishes or broadcasts or permits the publication or broadcast of such records or parts of the same, except by court order, shall be in contempt of court. This prohibition shall not be construed to prevent publication as provided in this section or RSA 169:27.

Amendment adopted.

Ordered to third reading.

SB 30, relative to the revocation or suspension of non-resident operating privileges. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The intent of the bill is to prevent out-of-state drivers operating under a suspended or revoked license from driving in New Hampshire.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the revocation or suspension of non-resident operating privileges and relative to the return of a motor vehicle operator's license

Amend the bill by striking out section 2 and inserting in place thereof the following

2 Return of License. Amend RSA 262-A by inserting after section 64-a the following new section:

262-A:64-b Return of License. Any person whose license was revoked under the provisions of section 64-a who appeals and is not found guilty shall have any previously held license returned. No additional fee requirements shall be imposed in connection with such license restoration.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SB 31, relative to exempting certain vehicles from the motor vehicle certificate of title law. Inexpedient to Legislate. Rep. James Murray for Transportation.

No one appeared to testify in favor of this bill. Bill would create more problems than it would solve.

Resolution adopted.

SB 36, relative to persons with a walking disability. Ought to Pass. Rep. James Murray for Transportation.

Intended as an aid to those assisting disabled persons who cannot drive.

Ordered to third reading.

HB 18, relative to state taxation of electric generating plants. Opinion requested of Supreme Court April 27 by HR 1.

## SUPREME COURT OPINION ON HB 18

The undersigned justices of the supreme court submit the following reply to your inquiries pertaining to House Bill 18 entitled "An Act relative to state taxation of electric generating plants." Your inquiries were received on April 20, 1978. On the same day the following order was issued: "Typewritten memoranda on the questions presented by the request may be furnished by any attorney, legislator, organization, interested party or member of the public on or before Monday, May 1, 1978." The only memorandum received was furnished on behalf of the Public Service Company of New Hampshire.

House Bill 18 proposes the imposition of a state tax upon large electric generating plants with a capacity of 500,000 kilowatts or more. "The rate is 1/6 of the state's average equalized property tax rate. Any

amounts paid in local property taxes on property being taxed by the state shall be deducted from the state tax. The revenue, after paying for the administration of the tax, shall be distributed to the cities and towns according to an equalized formula." The assessed value is to be the market value as determined by the unit method of appraisal. This method is defined "as the appraisal of the property as a whole without geographical or functional division of the whole." RSA 78-D:3, as proposed.

Question No. 1 reads as follows: "May the Legislature constitutionally impose a state tax, to be levied at a fraction of the State's average equalized property tax rate, upon only electric generating plants having a name plate generating capacity of 500,000 kilowatts or more?"

House Bill 18 would not impose a state property tax on all electric generating plants. Instead, it singles out for taxation only electric plants with a generating capacity of 500,000 kilowatts or more. Since the bill provides that local property taxes paid by these plants are to be credited against the state tax, it must be assumed that the state tax is intended to be higher than the local property tax assessed on all electric generating plants under RSA 72:8.

Without doubt, the power of the legislature to classify various subjects of taxation is broad. Opinion of the Justices, 117 N.H. , 379 A.2d 782, 786 (1977); Opinion of the Justices, 106 N.H. 202, 205, 208 A.2d 458 461 (1965). However, it is not unlimited. There must be a "just reason" for the selection and classification of the property in question. Opinion of the Justices, 115 N.H. 306, 308, 339 A.2d 450, 451 (1975). To be considered reasonable a classification must be sufficiently inclusive to constitute a distinctive class. Opinion of the Justices, 114 N.H. 174, 177, 317 A.2d 568, 570 (1974).

The memorandum which we have received asserts that there is presently only one electric generating plant in New Hampshire, Seabrook Station, which would be taxable under House Bill 18 at the higher state rate. It is common knowledge that the end product of all electric generating plants is the same regardless of their size. No valid reason has been presented to us which would justify classifying electric plants solely by size for the purpose of imposing an ad valorem property tax. See Opinion of the Justices, 117 N.H. 379 A.2d 782 (1977).

It is true that different sources of energy, that is, water, coal, oil and nuclear, are used to produce the end product. Absent certain necessary information, we cannot give an opinion as to whether electric generating plants fueled by nuclear energy possess enough differing characteristics to be classified separately for the purpose of imposing an ad valorem state tax on their properties. In the

absence of a just reason for so doing, it is clearly established that a state ad valorem tax on all electric generating plants must be at the same rate and by the same mode of valuation. Opinion of the Justices, 101 N.H. 549, 555, 137 A.2d 726, 730 (1958); Opinion of the Justices, 106 N.H. 202, 205, 208 A.2d 458, 461 (1965).

Our answer to Question No. 1 is "No", on its face and on the information before us, the tax proposed by House Bill 18 is of doubtful constitutionality and cannot be imposed.

Question No. 2 reads as follows: Would the imposition of such a tax upon property also taxable at the local level violate the provisions of Part II, Article 5 of the New Hampshire Constitution or any other provision of the Constitution?"

Our answer to the first part of your question is "No," it is not unconstitutional for the State and the local government to impose an ad valorem property tax on the same property at the same time. Opinion of the Justices, 112 N.H. 32, 36, 287 A.2d 756, 758 (1972).

As to the second part of your question, "we have not undertaken to consider all the provisions of the bill in every detail to ascertain whether they may be objectionable." Opinion of the Justices, 111 N.H. 131, 135, 276 A.2d 817, 820 (1971). Lack of time and of information have rendered this impracticable.

Rep. McLane moved that HB 18 be referred to the committee on Ways and Means for Interim Study.  
Adopted.

SB 47, amending staggered legislative requirements for certain motorized and non-motorized vehicles; pro-rating transfer fee and staggering inspection dates on commercial vehicles. Ought to Pass. Rep. James Murray for Transportation.

This bill solves some, but not all of the problems with the staggered motor vehicle registration system. There is much more to be done in regards to the overcharges now made to most motor vehicle owners because of the month of their birthday. The present law is very clear, but the Department of Revenue Administration has seen fit to make its own rules and violate legislative intent. This is another example of department rules having the effect of law despite what the elected representatives of the people vote on in a legislative session.

Rep. Rounds offered an amendment.

#### Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following

7 Millage Formula Prorated. Amend RSA 260:27 by inserting after paragraph IV the following new paragraphs:

V. The treasurer of each city, or such other person as the city government may designate, and the town clerk for each town shall prorate the permit fees under paragraph I for any registration whose registration period falls within 2 calendar years.

VI. If a vehicle has been previously registered with the division of motor vehicles, pursuant to RSA 262:1, II, the town or city clerk shall not renew the vehicle registration for less than a 12 month fee.

8 Effective Date. This act shall take effect August 1, 1978.

Rep. Rounds explained his amendment and yielded to questions.

Reps. Erler, Krasker and Coutermarsh spoke against the amendment and yielded to questions.

Rep. Clark spoke in favor of the amendment.

Reps. Waters, Plomaritis, Wallace and Kidder spoke against the amendment.

Rep. James Murray spoke in favor of the amendment and yielded to questions.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 141 NAYS 173

YEAS 141

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Goyette, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Rose, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Lynch and Whipple.

COOS: Horton, George Lemire, Oleson, Mabel Richardson and Alcide Valliere.

GRAFTON: Aldrich, Buckman, Clark, Dearborn, Myrl Eaton, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Glynetta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Bednar, Bosse, Brack, Carswell, Chagnon, Coburn, Corser, Joseph Cote, Drewniak, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Thomas Hynes, Knight, Armand Lemire, Roland Lemire, Lyons, Marcoux, Martineau, Mazur, McDonough, Fred Murray, Polak, St. George, Stahl, Kevin Sullivan, Sweeney and Wallin.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Hess, Polly Johnson, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Pardy, Arthur Perkins, Rich, Shepard, Tarr and Robert Watson.

ROCKINGHAM: Appel, Barka, Bisbee, William Boucher, Cunningham, Danforth, Robert Day, Gaskill, Gibbons, Goff, Gould, Hartford,



Hoar, Jones, Kane, Kashulines, Lovejoy, Joseph MacDonald, Maynard, Nelson, Niebling, Parr, Rogers, Sanborn, Skinner, Stimmell and Sytek.

STRAFFORD: Belhumeur, Canney, Donnelly, Horrigan, Joncas, Kincaid, Lefavour, Osgood, Preston, Ruel, Valley and Voll.

SULLIVAN: Barrus, Brodeur, Gray, Ingram and George Wiggins.

#### NAYS 173

BELKNAP: Hildreth and Lawton.

CARROLL: Dickinson, Howard and Kenneth Smith.

CHESHIRE: Callahan, Close, Daniel Eaton, Krause, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell and Vrakatitsis.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Hunt, Theriault, Willey, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, George Cate, Chambers, Cornelius, Crory, Hough, LaMott, Logan, Pepitone, Ward and Michael Woodward.

HILLSBOROUGH: Ainley, Baker, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Brody, Burke, Colson, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Clyde Eaton, Flynn, Gabrielle Gagnon, Gelinas, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lamy, Levesque, Madigan, Martel, Martin, McLaughlin, Morrison, Normand, Kerry O'Connor, Pappas, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stylianos, Francis Sullivan, Van Loan, Wallace, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Kidder, Packard, Plourde, Ralph, Rice, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Benton, Blake, Blanchette, Campbell, Collins, Connors, Davis, Dunfey, Erler, Felch, Beverly Gage, Carl Gage, Ganley, Greene, Griffin, King, Krasker, Laycock, Joseph McEachern, Norton, Parolise, Pucci, Quimby, Anthony Randall, Richards, Scamman, Schwaner, Alfreda Smith, Splaine, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Burrows, Desnoyer, Frizzell, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker, and the amendment lost.

Question being on the committee report. Adopted.

Ordered to third reading.

SB 23, relative to the plumber licensing law.

Resolution adopted.

SB 9, amending the state industrial development act.

Question being on the Sullivan motion to substitute the Minority report, Ought to Pass.

Reps. Ganley, Horton and Ladd spoke against the motion.

Reps. Oleson and Philip Heald spoke in favor of the motion.

Reps. Coutermarsh and Wallin spoke in favor of the motion and yielded to questions.

Rep. Dickinson spoke against the motion and yielded to questions.

Rep. Chandler moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 120 NAYS 175

YEAS 120

BELKNAP: Beard, Goyette, Lawton and Kenneth Randall.

CARROLL: Roderick Allen, Howard and Kenneth Smith.

CHESHIRE: Close, Dostilio and Margaret Ramsay.

COOS: Cooney, Fortier, Hunt, George Lemire, Oleson, Mabel Richardson, Theriault, Wiswell and Neila Woodward.

GRAFTON: Buckman, George Cate, Hough, LaMott, Rounds and Snell.

HILLSBOROUGH: Ahern, Bednar, Belanger, Wilfrid Boisvert, Burke, Chagnon, Coburn, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Kaklamanos, Karnis, Keefe, Armand Lemire, Roland Lemire, Levesque, Madigan, Mazur, McDonough, McGlynn, McLaughlin, Morrison, Fred Murray, Pappas, Pelletier, Arnold Perkins, Polak, Henry Richardson, Simard, Leonard Smith, Soucy, Spirou, St. George, Stahl Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, James J. White. Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Chandler, Polly Johnson, McLane, Mullin, Packard, Ralph, Rich, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Barka, Collins, Connors, Davis, Dunfey, Felch, Gaskill, Kane, King, Laycock, Maynard, Nelson, Norton, Parr, Sanborn, Schwaner, Splaine and Wolfsen.

STRAFFORD: Belhumeur, Burchell, Donnelly, Hebert, Dianne Herchek, Kincaid, Morrisette, Ruel and Torrey.

SULLIVAN: Barrus, Brodeur, Gray, Tucker and George Wiggins.



NAYS 175

**BELKNAP:** Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Marsh, Morin, Nighswander, Rose, Sabbow and Sanders.

**CARROLL:** Claflin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald and Towle.

**CHESHIRE:** Callahan, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Russell, Vrakatitsis and Whipple.

**COOS:** Bradley Haynes, Horton and Alcide Valliere.

**CRAFTON:** Aldrich, Ira Allen, Clark, Copenhaver, Cornelius, Dearborn, Mann, McAvoy, Neil McIver, Pepitone, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

**HILLSBOROUGH:** Ainley, Arnold, Barrett, Bosse, Brack, Carswell, Corser, Joseph Cote, Coughlin, Drewniak, Joseph Eaton, Flynn, Nancy Gagnon, Girolimon, Cort Hansen, Head, Howard Humphrey, Knight, Lyons, Marcoux, Martel, Martineau, Kerry O'Connor, Paradis, Podles, Edward Smith, Sweeney, Robert Wheeler and M. Arnold Wight.

**MERRIMACK:** Ayles, Bibbo, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Camache, Richard Hanson, Hess, James Humphrey, Kidder, LaBranche, Donna MacIvor, McNichol, Mitchell, Parly, Arthur Perkins, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Waters, Robert Watson and Wiviott.

**ROCKINGHAM:** Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Cunningham, Danforth, Robert Day, Erler, Beverly Gage, Carl Gage, Ganley, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kashulines, Krasker, Lovejoy, Joseph MacDonald, Joseph McEachern, Niebling, Parolise, Quimby, Anthony Randall, Richards, Rogers, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Webster, Wojnowski and Zabarsky.

**STRAFFORD:** Appleby, Canney, James Hercheck, Horriagan, Joncas, Joos, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Donald Smith, Tripp, Valley, Voll and Shirley White.

**SULLIVAN:** Desnoyer, Frizzell, Ingram, Lewko, Palmer, Scott, Spaulding and Sara Townsend, and the motion lost.

Question being on the committee report.  
Resolution adopted.

SB 52, relative to immunity from legal action under the workmen's compensation law. Ought to Pass. Rep. Ernest Valliere for Labor, Human Resources and Rehabilitation.

The Committee vote on this bill was 8 - 0. This bill closes loopholes in the Workmen's Compensation Law recently opened by two court decisions.

The Workmen's Compensation Law is a pure "no-fault" system which requires employers to pay benefits for economic loss to injured workers, regardless of who is to blame for the accident. In return, the compensation system has produced one of the best workmen's compensation laws in the country was intended to be the inclusive remedy against the employer.

Now, however, with two court decisions having exposed fellow employees to tort law suits.

This bill would protect the Legislative Intent of the Workmen's Compensation Law that the compensation law shall be the exclusive remedy.

Since the Committee report had been adopted without a quorum, the Speaker ruled the report out of order and requested the chairman to move to vacate the bill.

Rep. Skinner moved that SB 52 be withdrawn from the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Skinner moved that SB 52 be reported, Ought to Pass, and spoke to her motion and yielded to questions.

Rep. McDonough moved that SB 52 be referred to the committee on Labor, Human Resources and Rehabilitation for Interim Study, spoke to his motion and yielded to questions.

Rep. Gould spoke against the motion and yielded to questions.

Reps. Ernest Valliere, Hildreth and Eugene Daniell spoke in favor of the motion.

Reps. George Wiggins and Head spoke against the motion.

Rep. LaMott spoke in favor of the motion and yielded to questions.

Rep. McDonough requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 216 NAYS 96

YEAS 216

**BELKNAP:** Beard, Bowler, Gary Dionne, Goyette, Hildreth, Lawton, Marsh, James Murray, Rose, Sabbow and Sanders.

**CARROLL:** Roderick Allen, Raymond Conley, Dickinson, Keller and Towle.

**CHESHIRE:** Callahan, Dostilio, Daniel Eaton, Fillback, Irvin Gordon, Hogan, Elmer Johnson, Krause, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Whipple.

**COOS:** Cooney, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Theriault and Wiswell.

**GRAFTON:** Ira Allen, Buckman, Chambers, Cornelius, Dearborn, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Taffe, Taylor and Michael Woodard.

**HILLSBOROUGH:** Ainley, Arnold, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Burke, Carswell,

Chagnon, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Gelinass, Girolimon, Sal Grasso, Cort Hansen, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lamy, Armand Lemire, Roland Lemire, Lyons, Madigan, Marcoux, Martel, Martin, Martineau, McDonough, Morrison, Fred Murray, Normand, Kerry O'Connor, Pappas, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Carroll, Eugene Daniell, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Donna MacIvor, McNichol, Mullin, Pardy, Arthur Perkins, Plourde, Ralph, Rice, Gerald Smith, Tarr, Doris Thompson, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Benton, Bisbee, Blake, Blanchette, Collins, Connors, Danforth, Dunfee, Beverly Gage, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Parolise, Pucci, Anthony Randall, Richards, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Burchell, Donnelly, Hebert, Dianne Hercheck, James Hercheck, Horrigan, Joncas, Joos, Lefavour, Maglaras, Maloomian, McManus, Nadeau, Osgood, Torrey, Tripp and Valley.

SULLIVAN: Brodeur, Desnoyer, Ingram, Palmer and Scott.

#### NAYS 96

BELKNAP: Marshall French, Mansfield, Morin and Kenneth Randall.

CARROLL: Claflin, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Anne Gordon and Ladd.

COOS: Burns, Fortier, Mabel Richardson and Alcide Valliere.

GRAFTON: Aldrich, George Cate, Copenhaver, Mann, Snell, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Baker, Flynn, Nancy Gagnon, Granger, Head, Thomas Hynes, Knight, Levesque, Mazur, McGlynn, McLaughlin, Spirou, Stahl, Stylianos and M. Arnold Wight.

MERRIMACK: Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Kidder, LaBranche, McLane, Mitchell, Rich, Doris Riley, Shepard, Stockman, Trachy and Ernest Valliere.

ROCKINGHAM: Appel, Barka, William Boucher, Campbell, Cunningham, Davis, Robert Day, Erler, Felch, Gould, Greene, King, Nelson, Norton, Parr, Quimby, Rogers, Sanborn, Scamman, Schwaner, Skinner and Sytek.

STRAFFORD: Belhumeur, Canney, Kincaid, Lessard, Meader, Morrisette, Preston, Ruel, Donald Smith, Voll and Shirley White.

SULLIVAN: Barrus, Burrows, Frizzell, Gray, Lewko, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion was adopted.

Referred to Labor, Human Resources and Rehabilitation for Interim Study.

Rep. Donnelly wished to be recorded against the motion.

SB 14, relative to the possession of a gambling machine classified as an antique. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

#### Amendment

Amend RSA 647:2, VI as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. An antique gambling machine in the possession of a collector and which is not maintained or operated for gambling purposes shall not be subject to the provisions of this section. For the purpose of this section a "collector" is defined as a person who for nostalgic reasons, monetary investment or personal interest acquires antique gambling devices as defined in RSA 647:2, IV, for personal display or retention.

The Clerk read the amendment in full.

Amendment adopted.

Ordered to third reading.

SB 28, relative to product liability actions. Ought to Pass with Amendment. Rep. Burns for Commerce and Consumer Affairs.

#### Amendment

Amend paragraph III as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

III. An interim report shall be prepared and submitted by the commission on April 1, 1979, to the governor, the president of the senate and the speaker of the house, with a final report due on or before January 1, 1980.

The Clerk read the amendment in full.

Amendment adopted.

Ordered to third reading.

#### SENATE MESSAGES

##### HOUSE BILLS REFERRED TO INTERIM STUDY

HB 2, relative to mileage payments to legislators while on other legislative business. (Fiscal Committee)

HB 50, relative to restructuring the public utilities commission and making an appropriation therefor. (Senate Executive Departments)

## NONCONCURRENCE

HB 61, relative to fees for certificates of title and inspection stickers.

HB 14, making appropriations for capital improvements in the Winnepesaukee river basin pollution control program.

HB 7, relative to the operation of state liquor stores on Sundays, and making an appropriation therefor.

## CONCURRENCE

HB 39, relative to the liability of ski areas in personal injury actions.

HB 62, relative to regulation of investments of domestic life insurance companies.

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A).

HB 64, forbidding the confinement of children in adult correctional facilities.

HB 16, amending the statute on the program of special education and making an appropriation therefor.

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system.

HB 52, relative to night hunts for coon dogs.

HB 38, providing for public hearing before transfer or assignment of any railroad franchise.

HB 42, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns.

HB 55, reducing the penalty for operating an overloaded vehicle.

HB 63, exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and relative to road toll rebates.

HB 24, reducing the debt limit of the city of Nashua.

HB 8, relative to the Livermore Falls Gorge study commission.

HB 9, to reclassify part of the Pennichuck brook.

HB 13, limiting the liability of municipalities for property damage.

HB 23, relative to prorating property tax exemptions during the transition to the optional fiscal year.

HB 45, relative to amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies.

## ENROLLED BILLS REPORT

HB 5, requiring public utilities' rates to be based on a current level of services.

HB 34, authorizing certain stores to sell table wine.

HB 55, reducing the penalty for operating an overloaded vehicle.

HB 42, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns.

HB 52, relative to night hunts for coon dogs.

HB 38, providing for public hearing before transfer or assignment of any railroad franchises.

HB 63, exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and relative to road toll rebates.

HB 17, relative to the payment or delivery of property under the abandoned property statute (RSA 471-A)

HB 39, relative to the liability of ski areas in personal injury actions.

HB 62, relative to regulation of investments of domestic life insurance companies.

Rep. James J. White  
For the Committee

## ENROLLED BILLS REPORT

HB 8, relative to the Livermore Falls Gorge study commission.

HB 9, to reclassify part of the Pennichuck brook.

HB 13, limiting the liability of municipalities for property damage.

HB 23, relative to prorating property tax exemptions during the transition to the optional fiscal year.

HB 24, reducing the debt limit of the city of Nashua.

HB 45, relative to amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies.

Sen. James Saggiotes  
For the Committee

## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 54, relative to landlord and tenant relations.

Rep. Joseph Eaton moved the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Joseph Eaton, Foley and Matson.

HB 10, establishing the New Hampshire crime commission.

Rep. Close moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Close, Trachy and Cornelius.

HB 60, relative to emergency diagnostic detention.

Rep. Milton Cate moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Milton Cate, Aeschliman and Krause.

HB 22, making appropriations for capital improvements and making certain other budgetary amendments.

Rep. Tucker moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. LaMott, Bibbo and James White.

HB 27, concerning election laws.

Rep. Raymond Conley moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Raymond Conley, Kenneth Randall and Krasker.



HB 51, providing for the defense and indemnification of state officers and employees against certain claims.

Rep. Arthur Perkins moved that the House concur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Jones, Dianne Herchek and Daniel Eaton.

HB 66, relative to Hillsborough county budgetary procedures.

Rep. Richard Hanson moved that the House concur.

Adopted.

HB 48, establishing public guardian offices and relative to professional guardians.

Rep. Milton Cate moved that the House concur.

Adopted.

HB 46, to improve services to the mentally retarded.

Rep. Tucker moved that the House concur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Spaulding, Nardi and Ward.

HB 36, relative to legalizing action taken at various town meetings and special town meetings.

Rep. Richard Hanson moved that the House concur.

Adopted.

HB 47, to conform the state unemployment compensation law to federal requirements specified in P.L. 94-566 as amended.

Rep. Skinner moved that the House concur.

Adopted.

HB 35, relative to providing exemptions from public utility status for certain electrical energy producers and setting rates for use of power generated by those exempted producers.

Rep. Chambers moved that the House concur.

Adopted.

HB 4, relative to the use of time-of-use and time-of-day rates by electric utilities.

Rep. Taylor moved that the House concur.

Adopted.

HB 19, conditionally repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay.

Rep. Skinner moved that the House concur.

Adopted.

HB 29, relative to non-conforming boilers and unfired pressure vessels.

Rep. Morgan moved that the House concur.

Adopted.

HB 43, establishing a hazardous waste management program.

Rep. Greene moved that the House concur.

Adopted.

HB 44, enabling the trustees of the university system to reimburse certain municipalities for services rendered.

Rep. Richard Hanson moved that the House concur.

Adopted.

HB 31, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor.

Rep. LaMott moved that the House concur.

Adopted.

HB 37, concerning the power of Magdalen, New England and Lebanon Colleges to grant degrees.

Rep. Beard moved that the House concur.

Adopted.

HB 41, concerning the assignment of temporary justices of the supreme court.

Rep. Arthur Perkins moved that the House concur.

Adopted.

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled.

Rep. Morgan moved that the House concur.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the chair.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 67, relative to salaries of classified state employees.

SB 2, relative to the application and expenditure of federal funds and making an appropriation therefor.

SB 11, making a supplemental appropriation to the cancer commission.

SB 13, relative to the operating budget for fiscal years 1978 and 1979.

SJR 3, reimbursing the Prescription Center of Concord, New Hampshire, Inc. for payments due under lease agreements with state agencies and making an appropriation therefor.

SB 33, relative to school committee elections in the city of Manchester.

SB 25, establishing a permanent joint legislative committee on elderly affairs.

SB 37, revising the law relative to lobbyists.

SB 49, allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee.

SB 10, authorizing a liquor license and beverage permit for the Nippo Golf and Country Club in Barrington.



SB 34, relative to granting liquor licenses and beverage permits to convention centers and relative to the seating capacity of restaurant cocktail lounges.

SB 18, increasing the funds provided for land acquisition in the Monadnock-Gap Mountain area.

SB 39, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board.

SB 35, relative to the court's jurisdiction over juvenile delinquents.

SB 30, relative to the revocation or suspension of non-resident operating privileges.

SB 36, relative to persons with a walking disability.

SB 47, amending staggered legislative requirements for certain motorized and non-motorized vehicles; pro-rating transfer fee and staggering inspection dates on commercial vehicles.

SB 14, relative to the possession of a gambling machine classified as an antique.

SB 28, relative to product liability actions.

SB 26, to correct errors and omissions from the 1977 session.

SB 24, authorizing the town of Carroll to raise more than normal overlay and legalizing the town meeting in Epping.

Reps. Marshall French and Spirou moved that the Speaker, with the concurrence of the Majority and Minority Leaders, be authorized to accede to requests from the Senate to establish committees of conference on Senate Bills amended by the House and further moved that the Speaker, with the concurrence of the Majority and Minority Leaders, be authorized to request establishment of committees of conference on all House Bills now in the Senate that are amended by the Senate on Wednesday, June 7.

Adopted.

#### VETO MESSAGE ON HB 5

To the Honorable Members  
of the General Court

I am returning herewith House Bill 5 together with my objections thereto pursuant to Part 2, Article 44 of the New Hampshire Constitution.

House Bill 5 is, in my judgment, the most dangerous bill ever passed by the Legislature. It attacks the very foundation of our economy and would blight all future hope for prosperity in this state.

If it becomes law it would confront our people with serious shortages of fuel in the immediate years ahead.

It would destroy the fine economy of this state as effectively and instantly as the blow of a hammer would demolish an ant.

The jobs of two to three thousand workmen at Seabrook hang on the fate of this bill.

More important, our present low 3 percent unemployment rate will disappear. Jobs will become scarce in New Hampshire because we will have no means to assure industry of the abundant supply of electricity that our now prosperous and growing economy requires.

This bill would make it impossible for private capital to invest the \$2 billion needed for Seabrook because it would prohibit a pay as you go construction formula.

In the past three years private sector payrolls in the State have increased by almost 50%. If House Bill 5 were to become law the flourishing growth of these payrolls would wither and die.

Seabrook has become to America the symbolic battleground of the nuclear age. If we abandon this sorely needed project for producing an abundant and inexpensive supply of electricity because of House Bill 5, a small minority of professional protestors will have succeeded in destroying the future of our state and nation.

Their planned demonstration for June 24th would turn into a victory wake over the demise of Seabrook.

We cannot, we will not, let this happen!

To preserve the free enterprise system in this state, valued jobs for our people, and a strong economy based upon an abundant supply of energy, I must veto this bill.

In doing so, I call upon every citizen of our state to help sustain this extremely important veto.

Sincerely.

Meldrim Thomson, Jr.

Question being, shall HB 5 pass notwithstanding the Governor's veto.

Rep. Chambers moved that HB 5 be laid upon the table.

(Speaker presiding)

YEAS 157 NAYS 163

YEAS 157

BELKNAP: Bowler, Gary Dionne, Marshall French, Goyette, Hildreth, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen.

CHESHIRE: Callahan, Close, Daniel Eaton, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Terry and Vrakatitsis.

COOS: Cooney, Bradley Haynes, Horton, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Mann, Neil McIver, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Baker, Barrett, Wilfrid Boisvert, Brack, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drevniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas,

Girolimon, Cort Hansen, Head, Kaklamanos, Keefe, Lemire, Levesque, Madigan, Martel, Martin, McGlynn, McLaughlin, Morrison, Normand, Kerry O'Connor, Pappas, Pelletier, Plomaritis, Edward Smith, Leonard Smith, Spirou, Stahl, Francis Sullivan, Kevin Sullivan, Sweeney, Wallace, Wallin, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Camache, Hess, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pardy, Ralph, Rice, Tarr, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Appel, Blanchette, William Boucher, Collins, Dunfey, Beverly Gage, Carl Gage, Ganley, Gibbons, Greene, Jones, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Alfreda Smith, Splaine, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Dianne Herchek, James Herchek, Horrigan, Joos, Lessard, Maglaras, McManus, Meader, Morrisette, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Sara Townsend and Tucker.

NAYS 163

BELKNAP: Beard, Lawton, Mansfield, Marsh, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Moore and Whipple.

COOS: Burns, Fortier, Hunt and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Ahern, Ainley, Bednar, Belanger, Emile Boisvert, Bosse, Burke, Carswell, Chagnon, Coburn, Cullity, Clyde Eaton, Granger, Sal Grasso, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lamy, Armand Lemire, Lyons, Marcoux, Martineau, Mazur, McDonough, Morgan, Fred Murray, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Simard, Soucy, St. George, Stylianos, Van Loan, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Arthur Perkins, Plourde, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, Blake, Campbell, Connors, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Gaskill, Goff, Gould, Griffin, Hartford, Hoar, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Quimby, Scamman, Schwaner, Skinner, Stimmell, Sytek, Tavitian and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, Nadeau, Preston, Ruel, Donald Smith and Tripp.

SULLIVAN: Barrus, Burrows, Desnoyer, Frizzell, Gray, Ingram, Lewko, Palmer, Scott, Spaulding and George Wiggins, and the motion lost.

Question being, notwithstanding the Governor's veto, shall HB 5 pass.

Rep. Quimby spoke against the motion.

Rep. Richard Hanson moved that debate be limited to one hour equally divided.

Rep. Chandler amended the motion to read one half hour equally divided.

Amendment adopted.

Motion adopted.

Reps. George Wiggins, Felch, McDonough, Henry Richardson, M. Arnold Wight, Barrus, Scamman, Griffin, Snell, Morgan and Lawton spoke against the motion.

Reps. Eugene Daniell and Chambers spoke in favor of the motion.

Rep. Spirou moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Sanders, Mann and Erler abstained from voting under Rule 16.

(Speaker presiding)

YEAS 163 NAYS 153

YEAS 163

BELKNAP: Bowler, Gary Dionne, Marshall French, Coyette, Hildreth, Marsh, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen and Raymond Conley.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Anne Gordon, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Terry and Vrakatisis.

COOS: Cooney, Bradley Haynes, Horton, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Neil McIver, Rounds, Stomberg, Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Baker, Brack, Carswell, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Cort Hansen, Head, Kaklamanos, Keefe, Armand Lemire,

Rolland Lemire, Lyons, Madigan, Marcoux, Martel, Martin, McGlynn, Morrison, Normand, Kerry O'Connor, Pappas, Plomaritis, Edward Smith, Leonard Smith, Soucy, Spirou, Francis Sullivan, Sweeney, Van Loan, Wallace, Wallin, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, Gamache, Hess, LaBranche, Donna MacIvor, McLane, McNichol, Mullin, Pardy, Arthur Perkins, Ralph, Rice, Gerald Smith, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Appel, Blake, Blanchette, Collins, Connors, Dunfey, Beverly Gage, Carl Gage, Ganley, Gibbons, Greene, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Niebling, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Schwaner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Dianne Herchek, James Herchek, Horrigan, Joos, Lessard, McManus, Meader, Morrisette, Nadeau, Donald Smith, Forrey, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Gray, Ingram, Sara Townsend and Tucker.

#### NAYS 153

BEKNAP: Beard, Lawton, Mansfield, James Murray and Sabbow.

CARROLL: Clafin, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Fowle.

CHESHIRE: Close, Fillback, Irvin Gordon, Logan, Elmer Johnson, Krause, Moore and Whipple.

COOS: Burns, Fortier, Hunt and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Ainley, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Chagnon, Coburn, Cullity, Clyde Eaton, Granger, Sal Grasso, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lamy, Levesque, Martineau, Mazur, McDonough, McLaughlin, Morgan, Fred Murray, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Henry Richardson, Simard, St. George, Stahl, Stylianos, Kevin Sullivan, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Mitchell, Packard, Plourde, Rich, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, William Boucher, Campbell, Cunningham, Danforth, Davis, Robert Day, Felch, Gaskill, Goff, Gould, Griffin, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Norton, Quimby, Sanborn, Scamman, Skinner, Sytek and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maglaras, Maloomian, Osgood, Preston, Ruel and Tripp.

SULLIVAN: Barrus, Burrows, Desnoyer, Frizzell, Lewko, Palmer, Scott, Spaulding and George Wiggins, and the veto was sustained lacking the necessary two-thirds.

Rep. Wilfrid Boisvert notified the Clerk that he voted yea and meant to vote nay.

Reps. Schreiber, Willey and Brody wished to be recorded in favor of the motion.

Rep. Alter wished to be recorded against the motion.

The Sub-committee on Resolutions and Screening having approved its admittance, Reps. Roberts, Marshall French, Spirou, Lyons, Chambers, Skinner, Coutermarsh, Close and Cornelius offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 3

regarding contract negotiations between the State of New Hampshire and the State Employees Association.

WHEREAS, collective bargaining between the state of New Hampshire and the State Employees Association has reached the stage where the legislature must, pursuant to RSA 273-A:12, III vote to accept or reject the compromise package proposed in the Factfinder's Report; and

WHEREAS, the legislature has determined that each of the elements in the factfinder's proposed compromise are in the best interests of the state as a whole and fairly and effectively reconcile the diverse interests of the two parties to the negotiations; now therefore be it

Resolved by the House and Senate that the compromise package proposed in the Factfinder's Report of April 19, 1978 be accepted by the General Court and be incorporated in a contract to be concluded between the state of New Hampshire and the State Employees Association.

The Assistant Clerk read the resolution. Adopted.

#### RECONSIDERATION

Having voted with the prevailing side, Rep. Ward moved that the House reconsider its action whereby it passed SB 10, authorizing a liquor license and beverage permit for the Nippo Golf and Country Club in Barrington.

Reps. Sanders and Sara Townsend spoke in favor of the motion.

On a voice vote, the Speaker was in doubt and requested a division.



182 members having answered in the affirmative and 104 in the negative, reconsideration prevailed.

Rep. Sanborn moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment.

\* Rep. Cunningham spoke against the motion.

Rep. Rounds spoke against the motion and yielded to questions.

Reps. Griffin and Donald Smith spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 258 NAYS 55

YEAS 258

BELKNAP: Beard, Bowler, Gary Dionne, Goyette, Marsh, Morin, Nighswander, Kenneth Randall, Rose, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Hunt, Oleson, Theriault, Alcide Valliere, Wiswell and Neila Woodard.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Copenhaver, Cornelius, Crory, Dearborn, Logan, Neil McIver, Pepitone, Snell, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinias, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Roland Lemire, Levesque, Lyons, Madigan, Marcoux, Martel, Martin, Martineau, Mazur, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Pappas, Paradis, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Simard, Leonard Smith, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight and Cecelia Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pardy, Arthur Perkins, Plourde, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Collins, Connors, Danforth, Robert Day, Dunfey, Erler, Felch, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Tavitian, Vlack, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, McManus, Meader, Morrisette, Nadeau, Osgood, Ruel, Donald Smith, Torrey, Valley and Voll.

SULLIVAN: Barrus, Burrows, Desnoyer, Fuzzell, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 55

BELKNAP: Marshall French, Hildreth, Lawton, Mansfield and James Murray.

CARROLL: Claflin, Howard and Kenneth MacDonald.

CHESHIRE: Close and Daniel Eaton.

COOS: Horton, George Lemire and Mabel Richardson.

GRAFTON: Aldrich, Chambers, Myrl Eaton, LaMott, McAvoy, Rounds and Stomberg.

HILLSBOROUGH: Barrett, Brack, Burke, Chagnon, Coutermarsh, Cullity, Drewniak, Flynn, Gabrielle Gagnon, Girolimon, Knight, Lamy, Armand Lemire, Pelletier, Podles, Stylianos, Sweeney and John Winn.

MERRIMACK: Carroll, Foley, James Humphrey, Ralph, Tarr and Doris Thompson.

ROCKINGHAM: Akerman, Cunningham, Davis, Beverly Gage and Scamman.

STRAFFORD: Appleby, Belhumeur, Donnelly, Hebert and Shirley White.

SULLIVAN: Brodeur, and the motion was adopted.

#### RECONSIDERATION

Having voted with the prevailing side, Rep. Tucker moved that the House reconsider its action whereby it killed SB 5, providing for the restructuring of the Hooksett Liquor stores and the construction of a Hampton liquor store and making an appropriation therefor.

Reconsideration lost.

#### RECONSIDERATION

Rep. James Herchek moved that the House reconsider its action whereby it passed SB 28, relative to product liability actions.



Reps. James Herchek, Cornelius, McManus and Crory spoke in favor of the motion.

Reps. Burns, Baker, Ward, Richard Hanson, Scamman and Plourde spoke against the motion.

Rep. Baker moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 93 NAYS 213

YEAS 93

BELKNAP: Bowler, Goyette, Hildreth, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen and Kenneth Smith.

CHESHIRE: Irvin Gordon, Matson and Terry.

COOS: Oleson, Alcide Valliere and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Emile Boisvert, Bosse, Corser, Margaret Cote, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Girolimon, Cort Hansen, Head, Kaklamanos, Martin, McGlynn, Normand, Pappas, Spirou, St. George, Kevin Sullivan and Wallin.

MERRIMACK: Bellerose, Blakeney, Carroll, Milton Cate, Foley, Donna MacIvor, McLane, McNichol, Packard, Pardy, Arthur Perkins, Ralph, Rice, Rich, Tarr, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, Collins, Connors, Danforth, Dunfey, Carl Gage, Ganley, Goff, Hartford, Krasker, Laycock, Parolise, Parr, Pucci, Rogers, Schwaner, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Belhumeur, Donnelly, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, McManus, Meader, Morrisette, Valley and Voll.

SULLIVAN: Brodeur and Spaulding.

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BELKNAP: Beard, Gary Dionne, Marshall French, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Moore, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Hunt, George Lemire, Theriault and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Myrl Eaton,

LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Ainley, Baker, Barrett, Bednar, Belanger, Wilfrid Boisvert, Brack, Burke, Carswell, Chagnon, Coburn, Joseph Cote, Coughlin, Coutermarsh, Cullity, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lamy, Armand Lemire, Roland Lemire, Levesque, Lyons, Madigan, Marcoux, Martel, Mazur, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Simard, Leonard Smith, Soucy, Stahl, Stylianos, Sullivan, Van Loan, Wallace, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBranche, Mitchell, Mullin, Plourde, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cunningham, Davis, Robert Day, Erler, Felch, Beverly Gage, Gaskill, Gibbons, Gould, Greene, Griffin, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Niebling, Norton, Quimby, Anthony Randall, Richards, Sanborn, Scamman, Skinner, Stimmell, Sytek, Tavitian, Vlack, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Canney, Hebert, Horrigan, Joncas, Kincaid, Lefavour, Maloomian, Nadeau, Osgood, Ruel, Donald Smith, Torrey and Shirley White.

SULLIVAN: Barrus, Burrows, Desnoyer, Frizzell, Gray, Ingram, Lewko, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and reconsideration lost.

#### RECONSIDERATION

Rep. Raymond Conley moved that the House reconsider its action whereby it passed SB 26, to correct errors and omissions from the 1977 session.

Rep. Raymond Conley spoke to his motion. Reps. Marshall French, Richard Hanson, Griffin and Plourde spoke against the motion.

Reps. Hildreth, Scamman, Chambers and Marsh spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

A division was requested. 130 members having answered in the affirmative and 158 in the negative, reconsideration lost.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Ira Allen, Ward and McAvoy offered the following:

## RESOLUTIONS

ON THE DEATH OF  
HONORABLE VAN H. GARDNER

WHEREAS, we have learned with sorrow of the death of Van H. Gardner, former Representative from Littleton, and

WHEREAS, former Representative Gardner served diligently as a member of the House of Representatives for eight terms, and

WHEREAS, he served his community faithfully and well, therefore be it  
RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Benton offered the following:

## RESOLUTIONS

ON THE DEATH OF  
HONORABLE RUSSELL E. UNDERWOOD

WHEREAS, we have learned with sorrow of the death of Honorable Russell Underwood, former Representative from Chester, and

WHEREAS, former Representative Underwood served diligently as a member of the House of Representatives for four terms, and

WHEREAS, he served his community faithfully and well, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

## RECESS

## SENATE MESSAGES

## CONCURRENCE IN HOUSE AMENDMENTS

SB 35, relative to the court's jurisdiction over juvenile delinquents.

SB 14, relative to the possession of a gambling machine classified as an antique.

SB 24, authorizing the towns of Bethlehem and Carroll to raise more than 5 percent overlay.

SB 11, making a supplemental appropriation to the cancer commission.

SB 28, relative to product liability actions.

NONCONCURRENCE TO HOUSE AMENDMENTS  
REQUESTS COMMITTEE OF CONFERENCE

SB 34, relative to granting liquor licenses and beverage permits to convention centers and relative to the seating capacity of restaurant cocktail lounges.

The President appointed Sens. Keeney, Smith and Fennelly.

Rep. Spirou moved that the House accede. Adopted.

The Speaker appointed Reps. Cunningham, George Lemire, Rounds and MacDonald.

SB 30, relative to the revocation or suspension of non-resident operating privileges.

The President appointed Sens. Jacobson, Keeney and Foley.

Rep. Spirou moved that the House accede. Adopted.

The Speaker appointed Reps. Tavitian, Waters, Arline Dion and Erler.

SB 26, to correct errors and omissions from the 1977 session.

The President appointed Sens. Brown, Trowbridge and Blaisdell.

Rep. Spirou moved that the House accede. Adopted.

The Speaker appointed Reps. Marshall French, Roberts, Plourde and Coutermarsh.

SB 25, establishing a permanent joint legislative committee on elderly affairs.

The President appointed Sens. Gardner, Poulsen and Blaisdell.

Rep. Spirou moved that the House accede. Adopted.

The Speaker appointed Reps. Lyons, Parr, James White and Vrakatisis.

SB 2, relative to the application and expenditure of federal funds and making an appropriation therefor.

The President appointed Sens. Jacobson, Rock and Blaisdell.

Rep. Spirou moved that the House accede. Adopted.

The Speaker appointed Reps. Tucker, Hough, LaMott and Wilfrid Boisvert.

ACCEDE TO REQUEST  
FOR COMMITTEE OF CONFERENCE

HB 10, establishing the New Hampshire crime commission.

The President appointed Sens. Poulsen, Saggiotes and Preston.

HB 22, making appropriations for capital improvements and making certain other budgetary amendments.

The President appointed Sens. Sanborn, Rock and Blaisdell.

HB 27, concerning election laws.

The President appointed Sens. Jacobson, Brown and Fennelly.

HB 46, relative to improving services to the mentally retarded and making an appropriation therefor.

The President appointed Sens. Saggiotes, Trowbridge and Hancock.

HB 51, providing for the defense and indemnification of state officers and employees against certain claims.

The President appointed Sens. Brown, Provost and Fennelly.

HB 54, relative to landlord and tenant relations.

The President appointed Sens. Bradley, Keeney and Preston.

HB 60, relative to emergency diagnostic detention.

The President appointed Sens. Saggiotes, Provost and McLaughlin.

#### RECESS

#### SENATE MESSAGE

##### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 32, relative to certain amendments to the operating budget.

Reps. Marshall French and Spirou moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Roberts, Kidder, LaMott and Cornelius.

HB 26, relative to annual equalization of valuations.

Reps. Marshall French and Spirou moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Quimby, Ahern and Wallin.

The Speaker introduced Gerald Carmen, state chairman of the Republican Committee and Jay Morehead, field representative of the Republican National Committee.

#### RECESS

#### ADDITIONAL CONFEREES

The Speaker appointed additional conferees to the Committees of Conference on the following bills:

HB 10, establishing the New Hampshire crime commission. - Rep. Sara Townsend

HB 22, making appropriations for capital improvements and making certain other budgetary amendments. - Rep. Palmer

HB 27, concerning election laws. - Rep. McAvoy

HB 46, to improve services to the mentally retarded. - Rep. Willey

HB 51, providing for the defense and indemnification of state officers and employees against certain claims. - Rep. Wiviott

HB 54, relative to landlord and tenant relations. - Rep. Morrison

HB 60, relative to emergency diagnostic detention. - Rep. Goff

#### CONFEE CHANGES

HB 26, Rep. Tavitian replaces Rep. Ahern.

HB 46, Rep. James J. White replaces Rep. Nardi.

HB 32, Rep. Coutermarsh replaces Rep. Cornelius.

HB 54, Rep. Wiggins replaces Rep. Morrison.

HB 51, Rep. Pappas replaces Rep. James Herchek.

HB 32, Rep. Marshall French replaces Rep. Kidder.

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 12

*Thursday, 15 Jun 78*

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain,  
Rev. Milton L. Smith, Sr.

Charlie Brown finds this note on his return from School, "Feed the dog!" As he takes care of the chore he keeps repeating with more and more unhappiness "Feed the dog!" "Feed the Dog!" "Feed the dog!" Snoopy, of course is the dog and when his meal is setting before him, he says, "Feed the dog!" "Three of the most beautiful words in the English language!" Words make a difference depending upon who and where we are.

I want to share some "most beautiful words!"

Let us pray:

"God so loved the world so much that He gave His only Son so that anyone who believes in Him shall not perish but have eternal Life. God did not send His Son into the world to condemn it, but to save it." (John 3:16-17)

This is God's love song to the whole human family - I love You! I love You! I love You! I love You!

Thank You God for Your love song!

May it take control of the control centers of our lives and make us the kind of people You want us to be.

Amen!

Rep. Lessard led the pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Barrett, Forsaith Daniels, Harold Thomson, Mazur, Richards, Crotty, Griffin, Morrison, Henry Richardson and William Desmarais, the day, illness.

Reps. Chandler, Myrl Eaton, Patenaude, Carroll, Gemmill, Spaulding, Found, Chapman, Lachance, Marshala, Cummings, Laurent Boucher, Kerry O'Connor, Gelinas, Brack, Maglaras, Brody, Spaulding, Beard, Stockman, Logan, Michael Hanson, James Hercchek, Bellemore, Dupont, Madeline Townsend, Poulin and Goff, the day, important business.

## COMMUNICATION

Hon. George B. Roberts, Jr.  
Speaker of the House

Please accept my resignation from the House of Representatives, New Hampshire General Court effective June 1, 1978.

I sincerely regret having to resign but two key factors made it necessary. First, my employment situation is such that it is impossible to afford the time necessary to be an effective legislator. Second, the Executive Council confirmed my re-appointment to the Sweepstakes Commission and as a condition of that action, I agreed to resign forthwith.

With warm regards,  
Rep. Webster E. Bridges, Jr.

## SENATE MESSAGES

### CONCURRENCE

HB 61, relative to fees for certificate of title and inspection stickers.

### HOUSE BILL REFERRED TO INTERIM STUDY

HB 65, regulating places where massages are given and their employees.

### NONCONCURRENCE WITH HOUSE BILL

HB 3, establishing an office of health planning and development.

## ENROLLED BILLS REPORT

SB 18, increasing the funds provided for land acquisition in the Monadnock-Cap Mountain area.

HB 31, making the division of public health services responsible for human virus diagnostic services and making an appropriation therefor.

HB 37, concerning the power of Magdalen, New England, Lebanon and Daniel Webster Colleges to grant degrees.

HB 44, enabling the trustees of the university system to reimburse certain municipalities for services rendered.

HB 66, relative to Hillsborough county budgetary procedures.

SJR 3, reimbursing the Prescription Center of Concord, New Hampshire, Inc. for payments due under lease agreement with state agencies and making an appropriation therefor.

HB 4, relative to the use of time-of-use and time-of-day rates by electric utilities.

HB 19, conditionally repealing the law relative to reducing unemployment compensation benefits in an amount equal to a person's retired pay.

HB 61, relative to fees for certificates of title and inspection stickers.

SB 11, making a supplemental appropriation to the cancer commission.

SB 13, relative to the operating budget for fiscal years 1978 and 1979.

SB 14, relative to the possession of a gambling machine classified as an antique.

SB 24, authorizing the towns of Bethlehem and Carroll to raise more than 5 percent overlay.

SB 28, relative to product liability actions.

SB 33, relative to school committee elections in the city of Manchester.

SB 35, relative to the court's jurisdiction over juvenile delinquents.

SB 47, amending staggered legislative requirements for certain motorized and non-motorized vehicles; pro-rating transfer fee and staggering inspection dates on commercial vehicles.

HB 35, relative to providing exemptions from public utility status for certain electrical energy producers and setting rates for sale of power generated by those exempted producers.

Rep. James J. White  
For the Committee



## INTRODUCTION OF GUESTS

Dorothy Smith, wife of House Chaplain, Rev. Milton L. Smith, Sr.; Rev. Robert Jones, pastor of Suncook Methodist Church; Robert Erler, Jr., son of Rep. Erler; Jim Heald, nephew of Rep. Heald; Irma Small, sister of Rep. Oleson; Mrs. Bradley Bryant, niece and Laurie Titus, granddaughter of Rep. Ingram; Pip Robinson, guest of Rep. Daniel Eaton.

## ENROLLED BILLS AMENDMENTS

HB 16, amending the statute on the program of special education and making an appropriation therefor.

## Amendment

Amend RSA 186-A:8, II as inserted by section 3 of the bill by striking out lines 6 through 12 and inserting in place thereof the following:

district shall be limited to twice the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils, and except capital outlay and debt obligations. The state board shall reimburse the school district for such costs which exceed twice the state average costs per pupil.

Amend section 4 of the bill by striking out line 1 and inserting in place thereof the following:

4 Transportation. Amend RSA 186-A:9 as inserted by 1965, 378:1 as

The first change is necessary to make it clear that subparagraph (c) of paragraph II of RSA 186-A:8 includes only the words "for costs of rooming and boarding the handicapped outside the district" and that the rest of this paragraph starting with the word "shall" to the end of the paragraph applies to not only subparagraph (c) but also to subparagraphs (a) and (b).

The second change corrects a citation error in the amending clause of section 4.

Adopted.

SB 39, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. (See SJ June 15)

The title is amended to correct a grammatical error. The first amendment corrects a grammatical error in the sentence. The second amendment also corrects a grammatical error.

Adopted.

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system.

## Amendment

Amend RSA 483-B:17 as inserting by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

in this chapter.

This amendment changes the word "act" to "chapter" so that the section correctly refers to the new chapter in the RSA.

Adopted.

SB 36, relative to persons with a walking disability. (See SJ June 15)

The first amendment adds the appropriate language to reflect the citation of the original enabling legislation.

The second amendment reflects the current location of the section in the supplement portion of the RSA.

Adopted.

SB 37, revising the law relative to lobbyists. (See SJ June 15)

The first amendment corrects an internal reference so as to accurately reflect its proper application.

The second amendment changes the reference to the word "subdivision" to read as "chapter" to properly reflect the intended reference.

Adopted.

SB 49, allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee. (See SJ June 15)

This amendment corrects an error in the number of the RSA chapter being amended.

Adopted.

## RECESS

## ENROLLED BILLS AMENDMENTS

HB 43, establishing a hazardous waste management program.

## Amendment

Amend RSA 147:53, I, (b) as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

hazardous waste spill which the bureau deems an imminent hazard or both.

This amendment corrects a grammatical error.

Adopted.

HB 48, establishing public guardian offices.

## Amendment

Amend RSA 547-A:4 as inserted by section 1 of the bill by striking out line 8 and inserting in place thereof the following:

person for whom he is appointed guardian or co-guardian. Said reports

This amendment corrects a grammatical error.

Adopted.

HB 47, to conform the state unemployment compensation law to federal requirements specified in P.L. 94-566 as amended.

## Amendment

Amend section 3 of the bill by striking out line one and inserting in place thereof the following:

3 Group Accounts. Amend the second unnumbered subparagraph of RSA 282:6, A

Amend section 11 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

1965, 373:1 as amended by striking out said section and inserting in place thereof the following:

Amend section 12 of the bill by striking out line 3 and inserting in place thereof the following:

of P.L. 94-566 which necessitates this chapter are enjoined, found invalid or unconsti-

Amend section 12 of the bill by striking out line 10 and inserting in place thereof the following:

this chapter will on the date such suspension is ordered be suspended to the extent

The first amendment refers to a subparagraph rather than the incorrect term "paragraph."

The second amendment corrects the reference to the original enabling legislation.

The last three amendments change the word "act" to read as "chapter" which is the proper nomenclature.

Adopted.

HB 41, concerning the assignment of temporary justices of the supreme court.

## Amendment

Amend RSA 490:3, III as inserted by section 2 of the bill by striking out line 5 and inserting in place thereof the following:

matter upon which he has previously sat or for which he is otherwise disqualified

Amend section 3 of the bill by striking out lines 1 - 3 and inserting in place thereof the following:

3 Quorum. Amend RSA 490:7 by striking out said section and inserting in place thereof the following:

The first amendment corrects a grammatical error and the second amendment corrects an error in the amending language.

Adopted.

HB 36, relative to legalizing action taken at various town meetings and special town meetings.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

legalizing actions taken at certain town meetings and special town meetings and at certain meetings of the Carroll county delegation.

This amendment changes the title of the bill to more accurately reflect the contents of the bill.

Adopted.

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled.

## Amendment

Amend RSA 292:30, VII by striking out line 1 and inserting in place thereof the following:

VII. For the purpose of this section, the term "director" includes

This amendment corrects a punctuation error and substitutes the word "section" for subsection which is not used in the RSA.

Adopted.

HB 29, relative to non-conforming boilers and unfired pressure vessels.

## Amendment

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

III. the following new paragraphs:

IV. Any boiler or unfired pressure vessel that does not conform to the

Amend RSA 157-A:7, IV as it appears on page 2 of the bill by renumbering said paragraph to read as

V.

Amend RSA 157-A:7, V (b) as renumbered by striking out line 2 and inserting in place thereof the following:

in this state as promulgated under paragraph IV.

This amendment is necessary to correct a numbering problem caused by the fact that there already is an RSA 157-A:7, III.

Adopted.

Rep. Spirou requested a quorum count. 240 members were recorded present.

## COMMITTEE OF CONFERENCE REPORT ON SB 25

The committee of conference to which was referred Senate Bill 25, An Act establishing a permanent joint legislative committee on elderly affairs, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend RSA 17-H:2, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

17-H:2 Membership. The committee shall consist of 5 members: 3 representatives appointed by the speaker of the house, and 2 senators appointed by the president of the senate.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Filling of Vacancies. Any vacancies in the committee, as established by section one of this act, shall be filled by either the speaker of the house or the president of the senate as is appropriate.

Conferees on the part of the Senate: Sens. Gardner, Poulsen and Blaisdell.

Conferees on the part of the House: Reps. Lyons, Parr, James J. White and Vrakatitsis.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 30

The committee of conference to which was referred Senate Bill 30, An Act relative to the revocation or suspension of non-resident operating privileges, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Jacobson, Keeney and Foley.

Conferees on the Part of the House: Reps. Tavitian, Waters, Arline Dion and Erler.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 34

The committee of conference to which was referred Senate Bill 34, An Act relative to granting liquor licenses and permits to convention centers, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Keeney, Smith and Fennelly.

Conferees on the Part of the House: Reps. Cunningham, George Lemire, Rounds and MacDonald.

Adopted.

## RECESS

Rep. Spirou requested a quorum count. 267 members answering, the Speaker declared a quorum present.

COMMITTEE OF CONFERENCE REPORT ON HB 10  
HB 10, establishing the New Hampshire crime commission. (Printed in SJ June 15)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 22  
HB 22, making appropriations for capital improvements and making certain other budgetary amendments. (Printed in SJ June 15)

Reps. LaMott and James J. White spoke to the report and yielded to questions.

Reps. Krasker, Nardi, Plourde and Desnoyer spoke to the committee report.

Rep. Hildreth spoke against the committee report.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 244 NAYS 40

YEAS 244

BELKNAP: Bowler, Marshall French, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Rose and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Fillback, Calloway, Anne Gordon, Hogan, Krause, Ladd, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Hunt, Keough, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Hough, LaMott, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Emile Boisvert, Wilfrid Boisvert, Burke, Carswell, Chagnon, Coburn, Margaret Cote, Coughlin, Coutermarsh, Cullity, Arline Dion, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Levesque, Lyons, Madigan, Marcoux, Martin, Madigan, Marcoux, Martin, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Pappas, Paradis,



Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Simard, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Foley, Hess, Donna MacIvor, McLane, Mitchell, Mullin, Packard, Pardy, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Carpenito, Collins, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gibbons, Goff, Gould, Greene, Hartford, Hoar, Jones, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Niebling, Norton, Parr, Quimby, Anthony Randall, Sanborn, Scauman, Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Joncas, Joos, Kincaid, Lefavour, Lessard, Maloomian, McManus, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 40

BELKNAP: Gary Dionne, Hildreth and Sabbow.

CARROLL: Roderick Allen, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: None.

COOS: Willey.

GRAFTON: Clark, Copenhaver, Crory, Dearborn, Glyneta Thomson and Ward.

HILLSBOROUGH: Belanger, Corser, Catherine-Ann Day, Gabrielle Gagnon, Kaklamanos, McDonough, McGlynn, Normand, Francis Sullivan, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Eugene Daniell, Polly Johnson, LaBranche, Gerald Smith and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Connors, Krasker, Maynard, Parolise, Rogers and Zabarsky.

STRAFFORD: Hebert.

SULLIVAN: George Wiggins, and the conference report was adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 26  
HB 26, relative to annual equalization  
of valuations. (Printed in SJ June 15)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 27  
HB 27, concerning election laws.  
(Printed SJ June 15)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 46  
HB 46, to improve services to the  
mentally retarded. (Printed SJ June 15)

Adopted.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 25, establishing a permanent joint  
legislative committee on elderly affairs.

SB 30, relative to the revocation or  
suspension of non-resident operating  
privileges.

SB 34, relative to granting liquor  
licenses and beverage permits to convention  
centers and relative to the seating capacity  
of restaurant cocktail lounges.

#### SENATE MESSAGE

The Senate requests that the House meet  
with the Senate in Joint Convention at 3:00  
p.m. on June 15, 1978.

In view of the limited space within the  
Senate, it is further requested that the  
Joint Convention meet in the House Chambers.

Reps. Marshall French and Spirou moved  
that the House concur.

Adopted.

Rep. Marshall French moved that the  
House vacate from the Committee on Labor,  
Human Resources and Rehabilitation SB 52,  
relative to immunity from legal action under  
the workmen's compensation law.

Rep. French spoke to his motion and  
yielded to questions.

Reps. McDonough, Belhumeur, McManus and  
LaMott spoke against the motion.

Rep. Skinner spoke in favor of the  
motion and yielded to questions.

Reps. Gould, Rounds and Valliere spoke  
in favor of the motion.

Rep. Marshall French moved the previous  
question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently  
seconded.

(Speaker presiding)  
YEAS 150 NAYS 135  
YEAS 150

BELKNAP: Bowler, Marshall French,  
Mansfield, Morin, James Murray, Nighswander,  
Kenneth Randall and Sanders.

CARROLL: Claflin, Dickinson, Howard,  
Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Galloway,  
Anne Gordon, Ladd, Parker and Scranton.



COOS: Burns, Fortier, Keough, Oleson, Mabel Richardson and Alcide Valliere.

GRAFTON: Buckman, George Cate, Clark, Hough, Mann, McAvoy, Rounds, Snell and Ward.

HILLSBOROUGH: Ahern, Ainley, Baker, Emile Boisvert, Carswell, Coutermarsh, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Head, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Levesque, Lyons, Morgan, Fred Murray, Nemzoff-Berman, Paradis, Arnold Perkins, Peters, Podles, Polak, Simard, Stahl, Stylianos, Wallace, Geraldine Watson, James J. White and M. Arnold Wight.

MERRIMACK: Bibbo, John Cate, Milton Cate, Foley, Polly Johnson, LaBranche, McLane, Mitchell, Mullin, Packard, Plourde, Rich, Shepard, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, Blake, Campbell, Collins, Connors, Cunningham, Davis, Dunfey, Erler, Felch, Beverly Gage, Gaskill, Gould, Greene, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Parr, Anthony Randall, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmel, Sytek, Tavitian, Vlack, Helen Wilson and Wolfesen.

STRAFFORD: Burchell, Joncas, Joos, Lessard, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, Lewko, Scott, Spaulding and Sara Townsend.

NAYS 135

BELKNAP: Gary Dionne, Hildreth, Lawton, Marsh, Rose and Sabbow.

CARROLL: Roderick Allen, Raymond Conley and Keller.

CHESHIRE: Callahan, Dostilio, Fillback, Hogan, Krause, Lynch, Matson, Proctor, Margaret Ramsay, Russell, Terry, Vrakatisis and Whipple.

COOS: Cooney, Hunt, George Lemire, Theriault, Willey and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Dearborn, LaMott, Neil McIver, Pepitone, Taffe, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Aubut, Barrett, Belanger, Wilfrid Boisvert, Burke, Chagnon, Coburn, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, Gabrielle Gagnon, Sal Grasso, Daniel Healy, Kaklamanos, Madigan, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Nardi, Normand, O'Neil, Pappas, Pelletier, Plomaritis, Leonard Smith, Soucy, Spirou, Francis Sullivan, Van Loan, Wallin, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, Carroll, Eugene Daniell, Gamache, Hess, Donna MacIvor, McNichol, Pardy, Arthur Perkins, Ralph, Rice, Doris Riley, Tarr and Doris Thompson.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, William Boucher, Carpenito, Danforth, Robert Day, Flanagan, Carl Gage, Gibbons, Goff, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Parolise, Quimby, Rogers, Webster and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Kincaid, Lefavour, Maloomian, McManus, Schreiber, Torrey, Tripp and Valley.

SULLIVAN: Brodeur, Burrows and Palmer, and the bill was vacated.

Rep. Skinner moved that SB 52 be ordered to third reading.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 159 NAYS 128

YEAS 159

BELKNAP: Bowler, Marshall French, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Galloway, Ladd, Parker and Scranton.

COOS: Burns, Fortier, Oleson, Mabel Richardson, Alcide Valliere and Willey.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Hough, Mann, McAvoy, Rounds, Snell, Taylor and Ward.

HILLSBOROUGH: Ahern, Ainley, Baker, Emile Boisvert, Carswell, Coburn, Coutermarsh, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Howard Humphrey, Thomas Hynes, Keefe, Knight, Levesque, Lyons, Marcoux, Morgan, Fred Murray, Nemzoff-Berman, Pelletier, Arnold Perkins, Peters, Podles, Polak, Simard, Leonard Smith, Stahl, Stylianos, Francis Sullivan, Wallace, Geraldine Watson, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, John Cate, Milton Cate, Foley, Polly Johnson, LaBranche, McLane, Mitchell, Mullin, Packard, Plourde, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, Blake, Campbell, Connors, Cunningham, Davis, Robert Day, Dunfey, Erler, Felch, Gaskill, Gould, Greene, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Parr, Quimby, Anthony Randall, Sanborn, Scamman,

Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Helen Wilson and Wolfse.

STRAFFORD: Burchell, Hebert, Joncas, Joos, Kincaid, Lefavour, Lessard, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins.

#### NAYS 128

BELKNAP: Gary Dionne, Hildreth, Lawton, Marsh, Rose and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Keller and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Anne Gordon, Hogan, Krause, Lynch, Matson, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Whipple.

COOS: Cooney, Hunt, Keough, George Lemire, Theriault and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Dearborn, LaMott, Neil McIver, Pepitone, Taffe, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Aubut, Barrett, Bednar, Belanger, Wilfrid Boisvert, Burke, Chagnon, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, Gabrielle Gagnon, Daniel Healy, Kaklamanos, Karnis, Madigan, Martin, McDonough, McGlynn, McLaughlin, Nardi, Normand, O'Neil, Pappas, Paradis, Plomaritis, Soucy, Spirou, Van Loan, Wallin, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Carroll, Eugene Daniell, Camache, Hess, Donna MacIvor, McNichol, Pardy, Arthur Perkins, Ralph, Rice, Doris Riley and Tarr.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, William Boucher, Carpenito, Collins, Danforth, Flanagan, Beverly Gage, Carl Gage, Gibbons, Goff, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Parolise, Rogers, Webster and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, McManus, Schreiber, Torrey, Tripp and Valley.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer and Palmer, and SB 52 was ordered to third reading.

#### ENROLLED BILLS REPORT

HB 57, amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled.

HB 49, providing for a New Hampshire wild, scenic and recreational rivers system.

HB 48, establishing public guardian offices.

HB 47, to conform the state unemployment compensation law to federal requirements specified in P.L. 94-566 as amended.

HB 43, establishing a hazardous waste management program.

HB 41, concerning the assignment of temporary justices of the supreme court.

HB 36, legalizing actions taken at certain town meetings and special town meetings and at certain meetings of the Carroll county delegation.

HB 29, relative to non-conforming boilers and unfired pressure vessels.

HB 16, amending the statute on the program of special education and making an appropriation therefor.

SB 37, revising the law relative to lobbyists.

SB 36, relative to persons with a walking disability.

SB 39, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, setting forth a filing fee, repealing RSA 431 relative to swamplands and modifying the composition of the wetlands board.

SB 49, allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee.

Rep. James J. White  
For the Committee

#### JOINT CONVENTION (Speaker presiding)

The Joint Convention was called to order.

Sen. Trowbridge explained the Committee of Conference report on HB 32, and yielded to questions.

Rep. Spirou and Sen. Rock moved that the convention rise.

Adopted.

Rep. Marshall French and Sen. Smith moved that the Joint Convention adjourn.

Adopted.

#### HOUSE

Rep. Spirou requested a quorum count.  
The Speaker declared a quorum present.

#### COMMITTEE OF CONFERENCE REPORT ON HB 32

HB 32, relative to certain amendments to the operating budget. (Printed in SJ June 15)

TENTATIVE  
REVISED FORECAST OF UNAPPROPRIATED SURPLUS  
FOR BIENNIIUM ENDING 6/30/79

Estimated Surplus 6/30/79 - statement of 11/21/77		\$ 746,380
Less: Appropriation Adjustments:		
Chapter 601 1977 Session	\$ 6,000	
Chapter 602 1977 Session	46,000	
Chapter 606 1977 Session	<u>87,245</u>	
Total		<u>139,245</u>
Revised Estimate of Surplus for Period Ending 6/30/79, Before Any Special Session Action		607,135
Add: Revised Revenue Estimates:		
Senate Finance Estimates of 5/19	8,280,000	
Business Profits Tax-Max. Range	1,000,000	
House Estimates HB 67 Racing	<u>5,000,000</u>	
Total		<u>14,280,000</u>
Revised Estimate Total Available 6/15/78		14,887,135
Add: Special Session Actions:		
HB 34 - Wine-Grocery	800,000	
HB 32 - 6 Beer Licenses	<u>1,200,000</u>	
Total	<u>2,000,000</u>	
Less: Passage of HB 61- Inspection Sticker Fees and Fees for Certificate of Title	<u>1,100,000</u>	
		<u>900,000</u>
Estimate Available for Special Session Appropriation		<u>\$15,787,135</u>
Deduct: Special Session Appropriations:		
House Bills:		
16	2,889,671	
26	25,523	
31	2,000	
32	1,801,665	
46	439,097	
48	8,000	
60	3,000	
67	<u>6,433,269</u>	
Total	<u>11,602,225</u>	
Senate Bill 11	7,747	
Senate Joint Resolution 3	<u>129</u>	
Total	<u>7,876</u>	
Total Estimated Session Appropriation	\$11,610,101	
Add: WPCC Grants	3,500,000	
UC HB 47	<u>500,000</u>	
Total Estimated Special Session Appropriated Funds		<u>\$15,610,101</u>
Revised Estimated Surplus 6/30/79		<u>\$ 177,034</u>

NAYS 178

Reps. Spirou, Ward, Marsh, Eugene Daniell, Lawton, James White and Scamman spoke against the committee report.

Rep. LaMott spoke in favor of the committee report and yielded to questions.

Reps. McLane, French and Coutermarsh spoke in favor of the committee report.

(Rep. Marshall French in chair)

Rep. Roberts spoke in favor of the committee report.

Rep. Cornelius spoke against the committee report.

(Speaker in the chair)

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Coutermarsh requested a roll call. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 109 NAYS 178

YEAS 109

BELKNAP: Marshall French, Mansfield, Nighswander and Sanders.

CARROLL: Claflin, Raymond Conley, Howard and Kenneth MacDonald.

CHESHIRE: Fillback, Anne Gordon, Hogan, Lynch, Scranton, Vrakatisis and Whipple.

COOS: Fortier, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: George Cate, Hough, LaMott, McAvoy and Neil McIver.

HILLSBOROUGH: Ahern, Ainley, Baker, Barrett, Emile Boisvert, Wilfrid Boisvert, Chagnon, Coughlin, Coutermarsh, Heald, Daniel Healy, Howard Humphrey, Karnis, Keefe, Knight, Lyons, Martin, McDonough, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, O'Neil, Pelletier, Arnold Perkins, Leonard Smith, Francis Sullivan, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Bellerose, John Cate, Milton Cate, Richard Hanson, McLane, Mitchell, Plourde, Rich, Stockman, Tarr, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Benton, Bisbee, William Boucher, Campbell, Cunningham, Robert Day, Flanagan, Beverly Gage, Goff, Gould, Greene, Hartford, Jones, Kane, Lovejoy, Joseph MacDonald, Maynard, Niebling, Parr, Quimby, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vlack and Helen Wilson.

STRAFFORD: Appleby, Belhumeur, Donnelly, Kincaid, Lefavour, Ruel, Sackett, Donald Smith, Torrey, Valley and Voll.

SULLIVAN: Ingram, Palmer, Spaulding, George Wiggins.

BELKNAP: Bowler, Gary Dionne, Lawton, Marsh, Morin, James Murray, Kenneth Randall, Rose and Sabbow.

CARROLL: Roderick Allen, Dickinson, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Galloway, Krause, Ladd, Matson, Parker, Proctor, Margaret Ramsay, Russell and Terry.

COOS: Burns, Cooney, Hunt, Keough, George Lemire, Oleson, Willey and Neila Woodward.

GRAFTON: Ira Allen, Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Pepitone, Rounds, Snell, Taffe, Taylor, Clynetta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Aubut, Bednar, Belanger, Burke, Carswell, Coburn, Corser, Margaret Cote, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Thomas Hynes, Kaklamanos, Armand Lemire, Roland Lemire, Levesque, Madigan, Marcoux, McGlynn, Nardi, Normand, Pappas, Paradis, Peters, Plomaritis, Podles, Polak, Simard, Soucy, Spirou, Stahl, Stylianos, Van Loan, Wallace, Wallin, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Blakeney, Eugene Daniell, Foley, Gamache, Polly Johnson, LaBranche, Donna MacIvor, McNichol, Mullin, Packard, Pardy, Arthur Perkins, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Barka, Blake, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, Davis, Dunfee, Erler, Felch, Carl Gage, Gaskill, Gibbons, Hoar, Kashulines, King, Krasker, Laycock, Joseph McEachern, Nelson, Norton, Parolise, Anthony Randall, Rogers, Sanborn, Scamman, Alfreda Smith, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Hebert, Joncas, Joos, Maloomian, McManus, Meader, Nadeau, Osgood, Preston, Schreiber, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Lewko, Scott and Sara Townsend, and the conference report was not adopted.

Rep. Plourde moved that the Committee of Conference on HB 32 be discharged and that the House request a new Committee of Conference.

Rep. Spirou moved to amend the motion to read that the Committee of Conference be instructed to consider only the issues that are in difference between the House and the Senate.

Rep. Plourde spoke against the amendment. Rep. McManus spoke to the amendment.



The Speaker ruled the amendment out of order.

Rep. Spirou moved to amend the motion that the House conferees on HB 32 be advised to limit themselves in deliberations with Senate conferees to the differences between the version of HB 32 as passed by the House and the version of HB 32 as passed by the Senate.

Reps. Plourde, Ward and Marshall French spoke against the amendment.

Rep. James White spoke in favor of the amendment.

Rep. Spirou withdrew his amendment.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion to discharge the Committee of Conference and request a new Committee of Conference.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 51  
HB 51, providing for the defense and indemnification of state officers and employees against certain claims. (Printed in SJ June 15)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 60  
HB 60, relative to emergency diagnostic detention. (Printed in SJ June 15)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 54  
HB 54, relative to landlord and tenant relations. (Printed in SJ June 15)

Reps. Blanchette, Foley, Chambers and Cornelius spoke against the committee report.

Reps. Joseph Eaton, Rich, Jones and George Wiggins spoke in favor of the committee report.

On a voice vote, the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 166 NAYS 118

YEAS 166

BELKNAP: Marshall French, Lawton, Mansfield, Marsh, Morin, James Murray and Kenneth Randall.

CARROLL: Claflin, Dickinson, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Hogan, Matson, Parker, Margaret Ramsay, Scranton and Vrakatitsis.

COOS: Burns, Cooney, Fortier, Hunt, George Lemire, Oleson, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Dearborn, LaMott, McAvoy, Rounds, Snell, Taylor and Glyneta Thomson.

HILLSBOROUGH: Ainley, Aubut, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Carswell, Chagnon, Coburn, Coutermarsh,

Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Cranger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Karnis, Keefe, Knight, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, McDonough, McLaughlin, Morgan, Pelletier, Peters, Leonard Smith, Soucy, Syllianos, Francis Sullivan, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, John Cate, Milton Cate, Richard Hanson, Polly Johnson, Packard, Arthur Perkins, Plourde, Rich, Doris Riley, Shepard, Stockman, Doris Thompson, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, Campbell, Connors, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Jones, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Webster, Helen Wilson and Zabarsky.

STRAFFORD: Appleby, Hebert, Joncas, Lefavour, Maloomian, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, Gray, Lewko, Palmer, Scott, Spaulding and George Wiggins.

NAYS 118

BELKNAP: Bowler, Gary Dionne, Nighswander, Rose and Sabbow.

CARROLL: Roderick Allen and Raymond Conley.

CHESHIRE: Krause, Ladd, Lynch, Proctor, Russell, Terry and Whipple.

COOS: Keough, Willey and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, Neil McIver, Pepitone, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Baker, Bednar, Burke, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Girolimon, Head, Thomas Hynes, Kaklamanos, Roland Lemire, Martin, McGlynn, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Paradis, Arnold Perkins, Plomaritis, Podles, Polak, Simard, Spirou, Stahl, Wallin and James J. White.

MERRIMACK: Bellerose, Bibbo, Blakeney, Carroll, Eugene Daniell, Foley, Gamache, LaBranche, Donna MacIvor, McLane, Mitchell, Mullin, Pardy, Ralph, Rice, Gerald Smith, Tarr, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Carpenito, Collins, Cotton, Dunfey, Carl Gage, Gibbons, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Parolise, Parr, Quimby, Anthony Randall, Rogers, Schwaner, Vlack, Wojnowski and Wolfesen.

STRAFFORD: Belhumeur, Burchell, Canney, Donnelly, Joos, Kincaid, McManus, Meader, Nadeau, Schreiber, Valley and Voll.

SULLIVAN: D'Amante, Desnoyer, Ingram and Sara Townsend, and the conference report was adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 26

The committee of conference to which was referred Senate Bill 26, An Act to correct errors and omissions from the 1977 session, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 1 and renumbering sections 2 through 23 to read as

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 respectively.

Amend the bill by striking out section 24 and inserting in place thereof the following:

23 Registrar of Vital Statistics; Rules and Regulations. Amend RSA 126:3 (supp) as amended by striking out said section and inserting in place thereof the following:

126:3 Rules and Regulations. The registrar of vital statistics is authorized and empowered to make rules and regulations to secure uniformity and efficiency in the preparation, transcription, collection, compilation and preservation of facts in relation to births, marriages, divorces, fetal deaths and deaths, but in the case of fetal deaths, the name of parent or parents and the name of the child shall not be divulged except by the written consent of the parent or parents. Said rules and regulations also may include provisions for so-called delayed certificates of birth, the registration of children of unknown parentage, the filing of additional certificates after the legitimation of children and other matters relative to vital statistics.

24 Board of Claims, Quorum. Amend RSA 541-B:8 (supp) as inserted by 1977, 595:2 by striking out said section and inserting in place thereof the following:

541-B:8 Quorum. A majority of the board shall constitute a quorum to conduct hearings and a vote of at least 3 members voting in favor is required to adopt and approve any matter considered by it.

25 Letitia Pratt Foundation; Exemption. Amend RSA 72 by inserting after section 23-f the following new section:

72:23-g Letitia Pratt Foundation, Inc. The real estate and personal property of Letitia Pratt Foundation, Inc., a nonprofit corporation providing community housing for physically handicapped and elderly persons, if none of the income or profits of the community housing is used for any purpose other than the purpose for which the housing is established, shall be exempt from

taxation. For the purpose of this section an elderly person is one who is 62 years or more of age. The age of the head of the family determines the eligibility of the family unit in the community housing. On or before December first of each year the owner of the community housing shall pay to the town or city in which the property is situated, in lieu of taxes, a sum representing 10 percent of the shelter rent received by the owner during the preceding calendar year. For cause shown, having in mind the nature and purpose of the corporation, the board of taxation may abate all or a portion of the payment in lieu of taxes in any year. The owner on or before June first of each year shall file with the board of taxation in such form as the board prescribes a statement of financial condition of the community housing project for the preceding fiscal year, and shall file such other information as the board requires.

26 Aquiculture Permits. Amend RSA 211 by inserting after section 62-d the following new section:

211:62-e Aquiculture.

I. The term aquiculture as used in this section means the propagation and rearing of finfish, crustacea, shellfish and other aquatic organisms, including plants, and includes the planting, promoting of growth, harvesting and transportation of these species, in, on, or from the waters of this state.

II. Notwithstanding the provisions of RSA 211:18 through 211:61, of any other provision of law regulating the time, place, size, condition, amount, and manner of taking regulated aquatic and marine species, the director may issue a special license, on forms prescribed by him and including such conditions as he may deem necessary, to qualified individuals, institutions, or corporations, to allow, for the purpose of aquiculture undertaken pursuant to regulations promulgated by the director under the provisions of RSA 211:62, the taking, possession, transportation, rearing and sale of marine organisms. Said license shall be permanent and the annual fee for such license shall be one percent of the licensee's fiscal year net profits, but not to exceed \$500, payable annually on the anniversary date of said license. The director shall have the authority to suspend or revoke the license issued pursuant to this section if he finds that any rule or regulation in force, or any condition of such license or permit has been violated.

27 Recording Required. Amend RSA 282:12, C (supp) as amended by striking out said paragraph and inserting in place thereof the following:

C Property Lien. If any employer required to pay contributions under this chapter neglects or refuses to pay contributions after demand, the amount, together with all penalties, fees, and interest and any costs that may accrue becomes a lien in favor of the state upon all property and rights to property whether real or personal, belonging to the employer. The lien arises at the time demand is made by the commissioner and

continues until the liability for the sum, with interest and costs, is satisfied. Certificates of release of such lien shall be issued on the satisfaction of the lien. For the purposes of this section, employer in the case of corporations includes the president, treasurer, or any other person in a managerial capacity of said corporation. No lien against real property under this paragraph shall be effective until it is recorded at the registry of deeds for the county in which the real property lies.

28 Recording Required. Amend RSA 78-A:21 as inserted by 1967, 213:1 as amended by striking out said section and inserting in place thereof the following:

78-A:21 Taxes as Property Lien. If any operator required to collect and transmit a tax under this chapter neglects or refuses to pay the tax after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition to the tax becomes a lien in favor of the state upon all property and rights to property whether real or personal, belonging to the operator. The lien arises at the time demand is made by the commission and continues until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable. Certificates of release of such lien shall be given by the commission on the satisfaction of the lien. For the purposes of this section, operator in the case of corporations includes the president, treasurer, or any other person in a managerial capacity of said corporation. No lien against real property under this section shall be effective until it is recorded at the registry of deeds for the county in which the real property lies.

29 Recording Required. Amend RSA 79:6 by striking out said section and inserting in place thereof the following:

79:6 Collection. The normal yield tax and bond and debt retirement tax shall constitute a lien upon all real estate of the owner owned on the date of assessment and may be enforced and collected by any appropriate means provided for the collection of taxes in chapter 80, RSA, except that right of distraint and lien provided by sections 8 and 19 thereof shall expire eighteen months from the date the yield tax is assessed. They shall be subject to the same interest as general property taxes. No lien against real estate under this section shall be effective until it is recorded at the registry of deeds for the county in which the real estate lies.

30 Extension of Certain Capital Expenditures. Notwithstanding any other provision of law to the contrary, the appropriations made in 1973, 325:2 and 3 as amended by 1975, 504:19 and 1974, 30:1 and 2 as amended by 1975, 504:20 shall be available for expenditure until June 30, 1979.

31 Water Facility. Amend RSA 162-G by inserting after section 16 the following new section:

162-G:17 Water Facilities.

I. Any municipality or other political subdivision enabled to adopt the provisions of RSA 162-G may, by similar

action, adopt the provisions of this section. Any such municipality or other political subdivision which adopts the provisions of this section may engage in projects under RSA 162-G which have as their purpose the improvement of the furnishing of water for domestic, industrial, agricultural or other uses, if the water for such uses is to be available on reasonable demand to members of the general public.

II. For the purposes of this section: "industrial facility" shall include and mean any facility suitable for collecting, purifying, storing or distributing water for the aforesaid uses and shall hereinafter be called a "water facility"; "lease" shall include any conveyance or contract, however titled or described, providing for the use and operation of a water facility; "tenant" shall mean any corporation which is organized under the laws of this state for the purpose of furnishing water for any one or more of the uses described above and which is responsible for the use and operation of a water facility under a lease; and "trust indenture" shall include any conveyance, contract or assignment to a trustee or other person to secure bonds issued to finance a water facility. A trust indenture may include a pledge of system revenues in whole or in part. A lease and a trust indenture may be combined as one instrument.

III. No such municipality or other political subdivision acting by itself, or through an industrial development authority pursuant to RSA 162-G:15-a, shall be required hereby to have any ownership or other possessory interest in a water facility. In making findings under RSA 162-G:8 when acting under this section, the governing body, instead of making the findings required by paragraphs (b) and (c) of RSA 162-G:8, shall find that the tenant has the necessary powers and franchises to construct and operate the proposed water facility and that the proposed water facility is suitable for the furnishing of water for the uses for which it is intended.

32 Effective Date.

I. Section 8 shall take effect July 1, 1977.

II. Section 9 shall take effect July 1, 1979.

III. Section 30 shall take effect June 24, 1978.

IV. The remainder of this act shall take effect on its passage.  
Conferees on the Part of the Senate: Sens. Brown, Trowbridge and Blaisdell.  
Conferees on the Part of the House: Reps. Roberts, Marshall French, Coutermarsh and Plourde.

Rep. Marshall French yielded to questions.

(Rep. Marshall French in the chair)

Rep. Roberts and Greene spoke in favor of the committee report and yielded to questions.

Reps. Felch and Schreiber spoke against the committee report and yielded to questions.



(Speaker in the chair)

Reps. Benton, Chagnon, Leonard Smith, Norton, Plourde and Marshall French spoke in favor of the committee report.

Rep. Maynard spoke against the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 216 NAYS 63

YEAS 216

BELKNAP: Bowler, Marshall French, Lawton, Mansfield, Marsh, Morin, Nighswander, Kenneth Randall, Rose and Sabbow.

CARROLL: Raymond Conley, Keller, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Hogan, Krause, Lynch, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Hunt, Keough, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Dearborn, Hough, LaMott, McAvoy, Neil McIver, Rounds, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Burke, Chagnon, Coburn, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, L. Penny Dion, Gabrielle Gagnon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Armand Lemire, Roland Lemire, Lyons, Madigan, Marcoux, McDonough, McGlynn, Morgan, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Simard, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Eugene Daniell, Gamache, Richard Hanson, Polly Johnson, Donna MacIvor, McLane, Mitchell, Mullin, Packard, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Blanchette, William Boucher, Campbell, Collins, Cunningham, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gould, Greene, Hartford, Jones, Kashulines, King, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Niebling, Norton, Parr, Quimby, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vlack, Webster, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, McManus, Meader, Ruel, Sackett, Donald Smith, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 63

BELKNAP: Gary Dionne and James Murray.

CARROLL: Roderick Allen, Claflin, Dickinson and Howard.

CHESHIRE: Callahan, Galloway, Ladd, Matson and Parker.

COOS: None.

GRAFTON: Clark, Copenhaver, Crory, Pepitone, Snell and Michael Woodard.

HILLSBOROUGH: Carswell, Catherine-Ann Day, Joseph Eaton, Nancy Gagnon, Girolimon, Levesque, Martin, Normand, Podles and Geraldine Watson.

MERRIMACK: Blakeney, Carroll, Foley, LaBranche, Pardy, Shepard and Robert Watson.

ROCKINGHAM: Aeschliman, Bisbee, Blake, Carpenito, Connors, Cotton, Danforth, Davis, Erler, Gibbons, Goff, Hoar, Kane, Krasker, Laycock, Maynard, Parolise, Anthony Randall, Alfreda Smith, Helen Wilson and Wojnowski.

STRAFFORD: Joos, Nadeau, Osgood, Preston, Schreiber, Valley and Shirley White.

SULLIVAN: Burrows, and the conference report was adopted.

#### SENATE MESSAGE CONCURRENCE

HB 67, relative to salaries of classified state employees.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Roberts, Marshall French, Spirou, William Boucher and Lessard offered the following:

#### HOUSE RESOLUTION NO. 7

relative to the financing of the public school system in New Hampshire

WHEREAS, PL 93-380 makes available to the state of New Hampshire certain federal entitlement funds for the study of public school financing; and

WHEREAS, such a study would materially contribute to the improvement of public education at the local level in this state; and

WHEREAS, the House Education Committee is presently studying the question of the equity and effectiveness of the present system of public school financing in this state; and



WHEREAS, the resources presently available to the House Education Committee are insufficient to properly analyze this complex and important issue of public policy; and

WHEREAS, the House Education Committee has indicated its strong interest in and need for the federal entitlement funds available under PL 93-380; and

WHEREAS, the State Department of Education has not sought and does not plan to seek the funds available under PL 93-380; and

WHEREAS, the regulations published by the U.S. Office of Education pursuant to PL 93-380 provide that the state educational agency will be considered the exclusive eligible applicant for the state's entitlement to these funds unless some other body is properly designated to apply for and receive them; and

WHEREAS, the failure of the House Education Committee to be awarded New Hampshire's entitlement to the federal funds available under PL 93-380 will result in the loss of those funds to the state and will significantly impair the ability of the House Education committee to study and make recommendations to the General Court concerning the matter of public school financing presently before it.

Now Therefore Be It Resolved by the New Hampshire House of Representatives that the House Committee on Education be designated the appropriate applicant for the funds available to the state of New Hampshire under PL 93-380.

The Clerk read the resolution.  
Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Foley offered the following:

HOUSE RESOLUTION NO. 8  
congratulating the  
Concord Rugby Football Club

WHEREAS, over the last 8 years the Concord Rugby Football Club has become one of the best teams in the East; and

WHEREAS, again this year, the rugby club had a winning season, played well in both the New England and Portland tournaments and defeated the number one ranked Boston team; and

WHEREAS, the Concord Rugby Football club has placed many players on both New England and Eastern select teams; and

WHEREAS, the rugby club has brought much honor and distinction to the city of Concord and the state of New Hampshire; now, therefore, be it

Resolved by the House of Representatives:

That the Concord Rugby Football Club is hereby congratulated for its outstanding achievements and wished continued and great success.

The Assistant Clerk read the resolution.  
Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Marshall French, Plourde, Coutermarsh and Skinner offered the following:

HOUSE RESOLUTION NO. 9  
relative to the authority of  
house committees to act in the interim.

WHEREAS, the General Court is vested by Part II, Article 2 of the New Hampshire Constitution with the supreme legislative power; and

WHEREAS, each permanent standing committee of the General Court is authorized by RSA 17-D "to maintain a continuous review of state agencies concerned with its subject area in the performance of the functions of government within each subject area..."; and

WHEREAS, special committees are established from time to time for similar purposes; and

WHEREAS, the authority to review the performance of state agencies can be effectively exercised only if legislators possess full, accurate and timely information regarding the operation of those agencies; and

WHEREAS, legislative committees have from time to time found it necessary to have available to them an effective means to compel testimony necessary for the thorough consideration of questions before them; and

WHEREAS, the experience of the special house committee established in 1976 to investigate the matter of auto title fraud indicates the importance of providing legislative committees with the essential investigative tool of legislative subpoena power; now therefore be it

Resolved by the House of Representatives:

That all House committees including special committees shall have full authority to administer oaths and to compel, by majority vote of the committee and with the concurrence of the Speaker of the House, the attendance of witnesses and the production of documents; and any person who fails to honor a subpoena so issued shall be guilty of legislative contempt; and be it further

Resolved by the House of Representatives:

That the said committees shall, with the concurrence of the Speaker of the House, have authority to retain and compensate counsel using any funds available in the line item "House of Representatives - legal services and consultants"; and the House subcommittee for legislative management of the Legislative Facilities Committee is hereby authorized to transfer to said line item funds from any other House account not otherwise encumbered;

And be it further resolved that the Legislative Budget Assistant is directed to provide stenographic services for such proceedings, at the request of the committee conducting them and with the concurrence of the Speaker of the House.

The Assistant Clerk read the resolution.

Reps. Skinner, Taylor, Sara Townsend, Plourde, Coutermarsh and Joseph Eaton spoke in favor of the resolution.

Reps. Spirou, Scamman and Daniel Healy spoke against the resolution.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)  
YEAS 148 - NAYS 138  
YEAS 148

BELKNAP: Gary Dionne, Marshall French, Mansfield, Marsh, Morin, James Murray and Kenneth Randall.

CARROLL: Claflin, Keller and Kenneth Smith.

CHESHIRE: Close, Fillback, Galloway, Krause, Ladd, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Whipple.

COOS: Hunt, George Lemire, Oleson, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Hough, LaMott, Neil McIver, Rounds and Taylor.

HILLSBOROUGH: Ainley, Belanger, Bernier, Emile Boisvert, Carswell, Chagnon, Coutermarsh, Catherine-Ann Day, Joseph Eaton, Head, Heald, Levesque, Lyons, Madigan, Martin, McLaughlin, Morgan, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Leonard Smith, Soucy, Stahl, Van Loan, Wallin, Geraldine Watson, James J. White and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Blakeney, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, LaBranche, McLane, Mitchell, Arthur Perkins, Plourde, Rich, Doris Riley, Gerald Smith, Stockman, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, William Boucher, Campbell, Carpenito, Cunningham, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gould, Greene, Hartford, Jones, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Parr, Quimby, Anthony Randall, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vlack and Webster.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Joncas, Joos, Kincaid, Lefavour, Maloomian, Nadeau, Preston, Ruel, Donald Smith, Torrey, Valley and Voll.

SULLIVAN: Barrus, Brodeur, Ingram, Lewko, Palmer, Spaulding and Sara Townsend.

NAYS 138

BELKNAP: Bowler, Lawton, Nighswander, Rose and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Anne Gordon, Hogan, Lynch, Matson and Terry.

COOS: Burns, Cooney, Fortier, Keough, Willey and Neila Woodward.

GRAFTON: Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, McAvoy, Pepitone, Snell, Taffe, Glynetta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Bednar, Wilfrid Boisvert, Burke, Coburn, Corser, Margaret Cote, Coughlin, Cullity, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Armand Lemire, Roland Lemire, Marcoux, McDonough, McGlynn, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Simard, Spirou, Stylianos, Francis Sullivan, Wallace, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, John Cate, Polly Johnson, Donna MacIvor, Mullin, Packard, Pardy, Ralph, Rice, Shepard, Tarr, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Blake, Blanchette, Collins, Connors, Cotton, Danforth, Davis, Felch, Gibbons, Goff, Hoar, King, Krasker, Maynard, Nelson, Niebling, Norton, Parolise, Scamman, Alfreda Smith, Helen Wilson, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Hebert, McManus, Meader, Osgood, Sackett, Schreiber, Tripp and Shirley White.

SULLIVAN: Burrows, D'Amante, Desnoyer, Gray, Scott and George Wiggins, and the resolution was adopted.

#### SUSPENSION OF RULES

Rep. Lawton moved that the rules be so far suspended as to permit consideration of a CACR, relating to: Budgeting, taxes, and public indebtedness in the state of New Hampshire, at the present time without approval by the Rules Committee, reference to committee, public hearing, committee report and proper notice.

Rep. Lawton spoke to his motion and yielded to questions.

Rep. Wallin spoke in favor of the motion.

Rep. Coburn spoke against the motion.

Rep. Leonard Smith moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)  
YEAS 241 NAYS 45

YEAS 241

BELKNAP: Bowler, Marshall French, Lawton, Mansfield, Marsh, James Murray, Nighswander, Kenneth Randall, Rose and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Krause, Ladd, Lynch, Matson, Proctor, Russell, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Hunt, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Dearborn, Hough, LaMott, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Baker, Barrett, Bednar, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Burke, Carswell, Chagnon, Margaret Cote, Coughlin, Coutermarsh, Cullity, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Armand Lemire, Roland Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Simard, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, John Cate, Milton Cate, Gamache, Richard Hanson, Donna MacIvor, McLane, Mitchell, Mullin, Packard, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Carpenito, Connors, Cotton, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Gibbons, Goff, Greene, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Maynard, Joseph McEachern, Nelson, Parolise, Parr, Quimby, Anthony Randall, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Hebert, Joncas, Joos, Kincaid, Lefavour, Maloomian, McManus, Meader, Nadeau, Osgood, Preston, Torrey, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins.

#### NAYS 45

BELKNAP: Gary Dionne and Morin.

CARROLL: None.

CHESHIRE: Anne Gordon, Hogan, Parker, Margaret Ramsay and Scranton.

COOS: Keough.

GRAFTON: Copenhagen, Crory, Taffe and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Coburn, Corser, Catherine-Ann Day, Arline Dion, Kaklamanos, Leonard Smith, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Carroll, Eugene Daniell, Foley, Hess, Polly Johnson, LaBranche and Pardy.

ROCKINGHAM: Blanchette, Collins, Carl Gage, Gould, Joseph MacDonald, Niebling, Norton, Rogers, Wojnowski and Zabarsky.

STRAFFORD: Ruel, Sackett, Schreiber, Donald Smith, Voll and Shirley White.

SULLIVAN: None, and the motion was adopted by the necessary two-thirds.

#### INTRODUCTION OF CACR

First and second reading

CACR 2, relating to: budgeting, taxes, and public indebtedness in the state of New Hampshire.

Reps. Lawton and McLane moved that CACR 2 be referred to Interim Study by the appropriate committees.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted and that they be passed at the present time, and when the House adjourns today, it be to meet at the call of the chair.

#### LATE SESSION

Third reading and final passage

SB 52, relative to immunity from legal action under the workmen's compensation law.

#### RECESS

(Speaker in the chair)

#### ENROLLED BILLS REPORT

HB 22, making appropriations for capital improvements and making certain other budgetary amendments.

HB 27, concerning election laws.

SB 46, relative to improving services to the mentally retarded and making an appropriation therefor.

HB 51, providing for the defense and indemnification of state officers and employees against certain claims.

SB 25, establishing a permanent joint legislative committee on elderly affairs.

SB 30, relative to the revocation or suspension of non-resident operating privileges and relative to the return of a motor vehicle operator's license.

SB 52, relative to immunity from legal action under the workmen's compensation law.

Rep. James J. White  
For the Committee



## ENROLLED BILLS AMENDMENTS

SB 34, relative to granting liquor licenses and permits to convention centers. (Printed in SJ June 29)

This amendment corrects a citation error.

Adopted.

SB 26, to correct errors and omissions from the 1977 session. (Printed in SJ June 29)

The first amendment corrects an error in the amending language. The second and third amendments correct cross reference errors caused when bill sections were renumbered. The fourth, fifth and sixth amendments correct spelling errors and a typographical error. The last amendment changes the word commission to commissioner to reflect the transfer of functions to the commissioner of revenue administration.

Adopted.

## RECESS

(Rep. Lyons in the chair)

## ENROLLED BILLS AMENDMENTS

HB 26, relative to annual equalization of valuations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to annual equalization of valuations and making an appropriation therefor.

Amend RSA 71-A:11, XII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XII. Equalization. To equalize annually the valuation of the property in the several towns, cities and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property as assessed in towns, cities and unincorporated places such sums as will bring such valuation to the true and market value of said property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16, 72:17, 73:26: 73:27 and 73:11 through 16 inclusive, all as amended, which were relieved from taxation by 1970, 5, as amended, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities and unincorporated places receive taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just as between them.

The first amendment conforms the title to the substance of the bill. The second amendment gives the paragraph a heading consistent with the other ones in this section. It also corrects the tense of the verb "tax" in line 6.

Adopted.

HB 60, relative to emergency diagnostic detention.

## Amendment

Amend RSA 135-B:2. XVIII as inserted by section 7 of the bill by striking out line 2 and inserting in place thereof the following:

clinic, or research center, except for the Glenciff home for the elderly,

This amendment changes the "New Hampshire home for elderly to the "Glenciff home for the elderly" pursuant to a 1977 enactment.

Adopted.

HB 10, establishing the New Hampshire crime commission.

## Amendment

Amend RSA 7-B:3, II, (o), (p), and (q) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(o) one former inmate from a county jail or the state prison;

(p) one administrator of a county jail/house of correction;

(q) one police chief from a city; and

Amend RSA 7-B:7, II, (f) as inserted by section 1 of the bill by striking out line 5 thereof and inserting in place thereof the following:

in accordance with federal guidelines;

Amend section 7 of the bill by striking out lines 4 and 5 and inserting in place thereof the following:

invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

These amendments correct punctuation inconsistencies, remove a redundant phrase, and insert a phrase that was omitted in typing.

Adopted.

## ENROLLED BILLS REPORT

SB 34, relative to granting liquor licenses and permits to convention centers.

SB 26, to correct errors and omissions from the 1977 session.

HB 26, relative to annual equalization of valuations and making an appropriation therefor.

HB 60, relative to emergency diagnostic detention.



HB 10, establishing the New Hampshire crime commission.

Sen. James A. Saggiotes  
For the Committee

RECESS

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 13

*Thursday, 29 Jun 78*

The House met at 9:30 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Let us sing one verse of America the Beautiful (Words by Katharine Lee Bates):

O beautiful for spacious skies, For  
amber waves of grain,

For purple mountain majesties Above the  
fruited plain!

America! America! God shed His grace  
on thee,

And crown Thy good with brotherhood From  
sea to shining sea.

Let us pray:

A young man once said, "let your light  
so shine before men, that they may see your  
good works and give glory to your Father who  
is in heaven." - Matthew 5:16 - You sent Him  
to witness to us, for You, and He did.  
Thank You, God! Thank You! Let us now be  
the light bearers You expect Your leaders to  
be and especially in this great meeting  
place designed and built to serve the people  
of our state with the best government  
possible. Touch us with Your Sweet, Sweet  
Spirit and enable each one of us to serve  
with a lifestyle in tune with your  
purposes. Let America and New Hampshire and  
the people be better for our labors here.  
God bless us all!  
Amen!

Rep. Rounds led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Lachance, Appleby, Neila Woodward,  
Ladd, Myrl Eaton, Gemmill, Arthur Perkins,  
LaFleur, Found, Kerry O'Connor, Patenaude,  
Edward Smith, Maglaras, Mazur and Galloway,  
the day, important business.

Reps. William Desmarais, Barrett, Edmund  
Keefe, Forsaith Daniels, and Harold Thomson,  
the day, illness.

Rep. Dearborn, illness in the family.

## INTRODUCTION OF GUESTS

David F. Murphy of Hudson Mass., guest  
of Rep. Cunningham; Margaret deRedon, guest  
of Rep. Tavitian; Amy Wallin, daughter of  
Rep. Wallin; Joe Willey, son of Rep. Willey.

Rep. Marshall French moved that all  
debate be limited to one half hour equally  
divided including questions.

Rep. Spirou spoke in favor of the motion.

Rep. French yielded to questions.

Adopted.

## VETO MESSAGE ON HB 13

I am returning herewith House Bill 13  
together with my objections thereto pursuant  
to Part 2, Article 44 of the New Hampshire  
Constitution.

In 1975, the Legislature modified the common law with respect to sovereign immunity and provided that governmental units (everything except the State or department or agency thereof) may be held liable for damages in actions to recover for bodily injury caused by its fault with respect to ownership, occupation, etc. of all motor vehicles and all premises except sidewalks, streets, highways or public owned airport runways. This liability is limited to \$50,000 per person.

House Bill 13 amends this present legislation by expanding the liability to include property damage but it narrows the scope of the overall coverage by excluding publicly owned dams and their appurtenances from the definition of premises. I would have no problems with this bill except that the \$50,000 limit of liability continues to apply only to bodily injury claims and there is, in effect, no limit on the liability for property damage claims.

If this bill becomes law, it would leave our governmental units with a tremendous potential liability exposure. It is extremely doubtful that they would be able to obtain adequate insurance coverage for this exposure before the bill takes effect.

If the Legislature had been sitting while the bill was in my possession, I would have asked you to recall it to correct this serious defect. It would be irresponsible to allow this bill to become law and leave our cities, towns and other governmental units exposed to such a huge unlimited liability.

Sincerely,  
Meldrid Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 13 pass?

Rep. Donald Smith spoke against the motion.

Rep. Marshall French spoke against the motion and yielded to questions.

The Speaker requested a quorum count.

The Speaker declared a quorum present.

(Speaker presiding)

YEAS 14 NAYS 202

YEAS 14

BELKNAP: Rose.

CARROLL: None.

CHESHIRE: Daniel Eaton.

COOS: Hunt and Wiswell.

GRAFTON: Mann and Ward.

HILLSBOROUGH: Morrison and Soucy.

MERRIMACK: LaBranche and Trachy.

ROCKINGHAM: Donna McEachern, Pucci, Anthony Randall and Alfreda Smith.

STRAFFORD: None.

SULLIVAN: None.

# NAYS 202

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander and Kenneth Randall.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Anne Gordon, Krause, Proctor, Scranton, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Horton, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Crory, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Taffe, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Belanger, Wilfrid Boisvert, Carswell, Chagnon, Corser, Margaret Cote, Joseph Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lyons, Martin, McGlynn, Morgan, Fred Murray, Nardi, O'Neil, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Leonard Smith, Spiro, Stylianos, Van Loan, Wallin, Geraldine Watson, Emma Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Pelton, Plourde, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blake, Blanchette, William Boucher, Campbell, Carpenito, Cotton, Cunningham, Robert Day, Felch, Flanagan, Beverly Gage, Gaskill, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Maynard, Nelson, Niebling, Norton, Parolise, Parr, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Joos, Kincaid, Lefavour, Lessard, McManus, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins, and the veto was sustained.

Rep. Willey wished to be recorded in favor of HB 13.

## SUSPENSION OF RULES

Rep. Donald Smith moved that the rules be so far suspended as to permit the introduction of HB 68, limiting bodily injury liability for maintenance or operation of publicly owned dams, without approval of the Committee on Rules, referral to committee, public hearing and notice in the Calendar, and place the bill on second reading at the present time.

Rep. Donald Smith spoke to his motion.

Rep. Marshall French spoke in favor of the motion.

Adopted by the necessary two-thirds.

## INTRODUCTION OF HOUSE BILL

HB 68, limiting bodily injury liability for maintenance or operation of publicly owned dams. (Smith of Strafford Dist. 3)

Rep. Donald Smith moved that HB 68 be ordered to third reading.

Adopted.

## VETO MESSAGE ON HB 10

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 10 with my objections noted thereto.

This bill would create as a state statutory agency the New Hampshire Crime Commission.

However, in doing so, it would completely emasculate the excellent crime prevention program we have maintained in New Hampshire during the past five years.

No longer would the public and law enforcement units have the strong input into the crime prevention program which I have emphasized as Governor.

1. I object to the kind of commission the bill would create.

Now we have a commission of 36 members of whom 14 constitute the executive committee.

Of this number 3 are sheriffs and 4 are chiefs of police. Seventeen members are from the public sector. The remaining 12 members are from special categories required by L.E.A.A. All are appointed by the governor.

Under the bill the commission would consist of 23 members of whom 20 would be appointed by Governor and Council.

House Bill 10 would limit police participation to one sheriff, one representative of the State Police, one police chief each from a town and city and one representative of local police other than a chief.

The Director of the State Police would no longer be a member of the Crime Commission.

There would be only one member from the public on the crime commission!

There would have to be one former inmate from a county jail or the State Prison on the commission!

2. I object to the qualifications required for the executive director.

Under this bill the executive director would be appointed by Governor and Council as is now done.

However, we would not be able to appoint a director of the outstanding ability of our present one, namely Roger Crowley.

The director would either have to have a law degree or a masters degree in public administration, planning, management, corrections or related fields.

Most of our excellent department heads and many of our sheriffs and police chiefs would not be "qualified" to head this agency under these proposed provisions.

The effect of this bill would be to encourage more useless studies, seminars and trips. It would quickly reduce the strong emphasis and support we have given to our law enforcement units. It would encourage pampering of criminals.

Many feel that this bill is an "either/or proposition". Either we accept it or the federal government will withdraw all L.E.A.A. funds by the end of the year.

I do not believe this is so. We could and would sue the federal government if they tried to withdraw our funding while supporting other states. More important, we still could put a good bill together and pass it in the month of December before the mandate of the federal government takes effect.

We should not, under any circumstances, reduce the strong participation of the public and the police in our crime prevention program in this state.

For these and other equally valid reasons, I sincerely hope that this veto will be sustained.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 10 pass?

Reps. Trachy and Close spoke in favor of the motion and yielded to questions.

Reps. Ward and Cornelius spoke in favor of the motion.

Reps. Wiviott and Henry Richardson spoke against the motion.

(Speaker presiding)  
YEAS 143 NAYS 105

YEAS 143

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Morin, Nighswander and Rose.

CARROLL: Claflin and Dickinson.

CHESHIRE: Close, Anne Gordon, Krause, Matson, Proctor, Russell, Scranton, Terry and Vrakatisis.

COOS: Cooney, Hunt and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Mann, Rounds, Taffe, Taylor and Ward.

HILLSBOROUGH: Ahern, Baker, Wilfrid Boisvert, Corser, Margaret Cote, Crotty, Catherine-Ann Day, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Head, Kaklamanos, Keefe, Lamy, Lyons, Martin, McGlynn, Morrison, Nardi, Nemzoff-Berman, O'Neil, Pappas, Peters, Plomaritis, Leonard Smith, Soucy, Spirou, St. George, Van Loan, Wallin, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, Eugene Daniell, Foley, Gamache, Kidder, LaBranche, Donna MacIvor, McLane, Mullin, Pelton, Plourde, Ralph, Rich, Gerald Smith, Stefanides and Trachy.

ROCKINGHAM: Aeschliman, Blake, Blanchette, William Boucher, Campbell, Carpenito, Cotton, Cunningham, Robert Day, Flanagan, Beverly Gage, Ganley, Gaskill, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kane, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Sytek and Wojnowski.

STRAFFORD: Hebert, Joos, Lessard, McManus, Meader, Nadeau, Ruel, Sackett, Donald Smith, Torrey, Valley and Voll.

SULLIVAN: Palmer, Spaulding, Sara Townsend and Tucker.

#### NAYS 105

BELKNAP: Lawton, Mansfield, James Murray and Kenneth Randall.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Irvin Gordon, Moore and Whipple.

COOS: Burns, Fortier, Horton, George Lemire, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Logan, McAvoy, Pepitone, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Aubut, Barrett, Belanger, Carswell, Chagnon, Coburn, Clyde Eaton, Granger, Sal Grasso, Heald, Thomas Hynes, Karnis, Knight, Morgan, Fred Murray, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Stylianos, Geraldine Watson and Emma Wheeler.

MERRIMACK: Bellerose, Laurent Boucher, John Cate, Milton Cate, Chandler, Polly Johnson, Mitchell, Packard, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Davis, Felch, Griffin, Kashulines, Lovejoy, Nelson, Norton, Anthony Randall, Richards, Schwaner, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Kincaid, Lefavour, Osgood, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Scott and George Wiggins, and the veto was sustained, the ayes lacking the necessary two-thirds.

Rep. Willey wished to be recorded in favor of HB 10.

#### VETO MESSAGE ON HB 19

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 19 with my opposition thereto noted.

House Bill 19 would conditionally repeal the law relative to reducing unemployment compensation benefits in an amount equal to the retired pay of a person.

When the proposed federal law becomes effective requiring the reduction of unemployment benefits (as state law now does), the provision of this bill which becomes effective sixty days thereafter would be "out of step" with the federal law, and thus cause employers to lose offset credits and would cause the state to lose administrative grants to the Department of Employment Security.

In addition, this bill would require the Department to identify and reimburse all persons who incurred reductions in unemployment benefits as a result of the 1977 law. This would cost an estimated \$700,000.

This pay-back would reduce our present fund surplus of \$47 million to a point dangerously close to the \$45 million level at which private employers throughout the state would lose the opportunity to have their effective unemployment tax rate reduced by .2 percent.

The present state law requiring a reduction of the unemployment compensation benefit by an amount equal to a pension or other retirement benefits is consistent with the federal law that has been passed but is not yet effective.

It makes little sense to try to change that which because of the pending effectiveness of the federal law can at best only be temporary.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 19 pass?

Reps. Rounds and Pucci spoke in favor of the motion.

Rep. George Wiggins spoke against the motion.

Rep. Chambers requested a quorum count.

The Speaker declared a quorum present.

Rep. Spirou spoke in favor of the motion and yielded to questions.

(Speaker Presiding)  
YEAS 217 NAYS 48



YEAS 217

NAYS 48

**BELKNAP:** Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, Nighswander, Kenneth Randall and Rose.

**CARROLL:** Roderick Allen, Claflin, Raymond Conley, Dickinson, Keller and Towle.

**CHESHIRE:** Close, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Krause, Matson, Proctor, Russell, Scranton, Terry, Vrakatisis and Whipple.

**COOS:** Burns, Cooney, Fortier, Hunt, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell and York.

**GRAFTON:** Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Mann, Rounds, Taffe, Madeline Townsend and Ward.

**HILLSBOROUGH:** Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Wilfrid Boisvert, Carswell, Chagnon, Corser, Margaret Cote, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelin, Granger, Sal Grasso, Heald, Thomas Hynes, Kaklamanos, Keefe, Lam, Lyons, Martin, McGlynn, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Leonard Smith, Soucy, Spirou, St. George, Stylianos, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

**MERRIMACK:** Bellerose, Blakeney, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Pelton, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

**ROCKINGHAM:** Aeschliman, Akerman, Barka, Blake, Blanchette, William Boucher, Campbell, Carpenito, Connors, Cotton, Cunningham, Robert Day, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gibbons, Goff, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Wojnowski and Wolfesen.

**STRAFFORD:** Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Joos, Kincaid, Lessard, McManus, Nadeau, Osgood, Sackett, Donald Smith, Torrey, Valley and Shirley White.

**SULLIVAN:** Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Palmer, Spaulding, Sara Townsend and Tucker.

**BELKNAP:** James Murray.

**CARROLL:** Howard, Kenneth MacDonald and Kenneth Smith.

**CHESHIRE:** Moore.

**COOS:** Horton and Mabel Richardson.

**GRAFTON:** Aldrich, Ira Allen, Buckman, George Cate, Clark, McAvoy, Pepitone, Snell and Glyneta Thomson.

**HILLSBOROUGH:** Coburn, Clyde Eaton, Head, Karnis, Knight, Levesque, Paradis and Emma Wheeler.

**MERRIMACK:** Bibbo, Chandler, LaBranche and Shepard.

**ROCKINGHAM:** Danforth, Davis, Gould, Joseph McEachern, Nelson, Norton, Scamman, Sytek, Webster and Helen Wilson.

**STRAFFORD:** Lefavour, Meader, Preston, Ruel, Tripp and Voll.

**SULLIVAN:** Barrus, Gray, Scott and George Wiggins, and the veto was overridden, the ayes being more than the necessary two-thirds.

Reps. Willey and Neil McIver wished to be recorded in favor of HB 19.

#### VETO MESSAGE ON HB 43

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 43 with my objections noted thereto.

This bill interferes with our business community in a manner similar to OSHA. It is bad enough for our business community to be confronted with OSHA storm troopers we do not need to create our own similar troops here in New Hampshire.

I object to the right of entry without permission or warrant. I believe that the power to obtain injunctions without showing of irreparable damage in the civil area or forfeiture of \$25,000 per day are unnecessary and border on the outrageous.

There is a technical problem with the language covering the issuance of permits in that the bill provides on page 6 that "within six months of the effective date of this section" no person shall....(Arguably, the permit provision does not apply after the "six month" period.)

The definition is too broad. For example, hazardous waste could be construed to include any waste in large quantities (i.e. a farmer "disposing" of large amounts of manure could be required to obtain a permit). On the other hand the definition of "imminent hazard" is such as to require "abnormal conditions and practices" could not be handled under the emergency provisions no matter how serious.

The bill gives the bureau of solid waste management such broad rulemaking power as to be of questionable constitutionality. For

example, 147:49 II (c) authorizes the bureau to establish rules specifying the terms and conditions under which the bureau shall issue, modify, suspend, revoke or deny permits. The whole matter is left up to the bureau without any legislative guidelines. Such authority is an improper delegation of legislative power.

The bill gives the bureau the right to enter any place where hazardous wastes are generated, stored, treated or disposed of upon presentation of appropriate credentials. This provision is of questionable constitutionality as it authorizes unlawful searches.

RSA 147:52, I (c) authorizes the bureau to inspect and copy any records, reports, information or test results relating to hazardous wastes without providing any protection whatsoever for confidentiality or trade secrets.

I believe it is necessary that we have a strong and effective program for the control of hazardous waste. I believe with additional research the Legislature can develop such a program that will not cause undue hardship on our business community and at the same time protect our environment.

I hope you will support the veto of House Bill 43 for the above reasons.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 43 pass?

Rep. Greene spoke in favor of the motion and yielded to questions.

Reps. Shepard and James Murray spoke against the motion.

Rep. Hoar spoke in favor of the motion.

(Speaker presiding)  
YEAS 162 NAYS 103

YEAS 162

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Nighswander and Rose.

CARROLL: Raymond Conley.

CHESHIRE: Anne Gordon, Krause, Proctor, Russell, Scranton, Terry and Vrakatisis.

COOS: Burns, Cooney, Fortier, Horton, Hunt, Oleson and Wiswell.

GRAFTON: George Cate, Chambers, Copenhaver, Cornelius, Crory, Hough, Mann, Neil McIver, Rounds, Taffe and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Baker, Brody, Carswell, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Cagnon, Nancy Cagnon, Head, Heald, Thomas Hynes, Kaklamanos, Keefe, Knight, Lamy, Lyons, Martin, McGlynn, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Peters, Plomaritis, Leonard Smith,

Soucy, Spirou, St. George, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Emma Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Pelton, Ralph, Rice, Rich, Stefanides, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cunningham, Flanagan, Beverly Gage, Canley, Gaskill, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek and Wojnowski.

STRAFFORD: Hebert, Lessard, McManus, Meader, Nadeau, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 103

BELKNAP: Lawton, Mansfield, Morin, James Murray and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Fillback, Irvin Gordon, Moore and Whipple.

COOS: George Lemire, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Buckman, Clark, LaMott, Logan, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Arnold, Aubut, Barrett, Bednar, Belanger, Wilfrid Boisvert, Chagnon, Coburn, Joseph Cote, Crotty, Clyde Eaton, Joseph Eaton, Flynn, Gelinas, Granger, Sal Grasso, Karnis, Levesque, Morgan, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Stylianos, Geraldine Watson and Robert Wheeler.

MERRIMACK: Bibbo, Laurent Boucher, Milton Cate, Chandler, Polly Johnson, Kidder, Mullin, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: William Boucher, Danforth, Davis, Robert Day, Felch, Goff, Kashulines, King, Norton, Anthony Randall, Schwaner, Tavitian, Webster and Wolfson.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Joos, Kincaid, Lefavour, Osgood, Preston and Tripp.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Scott and George Wiggins, and the veto was sustained, the ayes lacking the necessary two-thirds.

Rep. Willey wished to be recorded in favor of HB 43.

Governor Meldrim Thomson, Jr., and members of the Senate joined the House in an informal Joint Convention for the unveiling of a portrait of former Representative Hilda Brungot, dean of women legislators of New Hampshire and a member for 19 terms.

Rep. Mabel Richardson addressed the House on behalf of the 43 Club which initiated the portrait.

Legislative Historian Leon Anderson addressed the House briefly.

Sen. James Saggiotes, Governor Thomson and the Speaker addressed the House briefly.

Former Rep. Brungot and members of her family were present for the ceremony.

#### RECESS

Rep. Marshall French requested a quorum count.

The Speaker declared a quorum present.

#### VETO MESSAGE ON HB 44

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 44 with my objections thereto noted.

This bill would authorize the Trustees of the University System to reimburse the towns and cities of Durham, Plymouth, Keene and Manchester for such municipal services as fire and police protection, garbage disposal and related services.

According to Representative Neil F. McIver, House Bill 44 "does not mandate any expenditure by the State, it simply provides the Trustees with authority to deal directly with towns, which they have been doing illegally up until this point."

While the bill does not directly "mandate any expenditure by the state", it does authorize the Trustees to pay for municipal services. If the Trustees were to act pursuant to this bill either the state would have to pay indirectly for the disputed services by including the new charges in the budget for the University System or the added costs would have to be made up by the Trustees through even higher tuition charges on the students.

No figure is given as to what this bill would cost the taxpayers and/or students. In time it could run into millions of dollars.

If passed this bill would set a precedent that would open the door for other charges on the state from municipalities such as Concord that now provides services for state institutions or that have suffered depletion of their tax rolls due to the presence of state properties within their boundaries.

As desirable as this bill might be for the communities involved, the State is in no position at this time to undertake the obligations which this bill would create.

However, this whole subject of municipal services for state institutions poses an important problem which should be carefully studied and resolved.

If this veto is sustained, as I hope that it will be, I would ask the Speaker of the House and the President of the Senate to join with me in creating a six person committee to study the problem and make recommendations to the next regular session of the Legislature.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 44 pass?

Reps. Neil McIver, LaMott, Sackett, Raymond Conley, Chambers, Marshall French and Richard Hanson spoke in favor of the motion.

Reps. Snell and Lawton spoke against the motion.

(Speaker presiding)  
YEAS 180 NAYS 88

YEAS 180

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley and Dickinson.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Anne Gordon, Irvin Gordon, Hogan, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Hunt, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Chambers, Copenhaver, Crory, Hough, LaMott, Mann, Neil McIver, Rounds, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Wilfrid Boisvert, Brody, Carswell, Chagnon, Corser, Margaret Cote, Coughlin, Crotty, Catherine-Ann Day, Arline Dion, Drewniak, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Heald, Thomas Hynes, Kaklamanos, Keefe, Lyons, Martin, McGlynn, Morgan, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Arnold Perkins, Plomaritis, Simard, Leonard Smith, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Van Loan, Wallin, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, John Cate, Milton Cate, Gamache, Richard Hanson, Hess, Donna MacIvor, McLane, McNichol, Mitchell, Pardy, Pelton, Flourde, Rice, Rich, Gerald Smith, Stefanides, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, Campbell, Carpenito, Connors, Cotton, Cunningham, Flanagan, Beverly Gage,



Ganley, Gaskill, Gibbons, Gould, Hartford, Hoar, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Tavitian, Wojnowski and Wolfesen.

STRAFFORD: Burchell, Canney, Donnelly, Hebert, Joos, McManus, Meader, Nadeau, Osgood, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Palmer, Spaulding, Sara Townsend and Tucker.

#### NAYS 88

BELKNAP: Lawton, Marsh and James Murray.

CARROLL: Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Moore and Scranton.

COOS: Horton.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Logan, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bednar, Coburn, Joseph Cote, Clyde Eaton, Joseph Eaton, Granger, Sal Grasso, Karnis, Knight, Levesque, Mazur, Fred Murray, Paradis, Peters, Podles, Polak, Henry Richardson, Stylianos, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, Chandler, Eugene Daniell, Polly Johnson, Kidder, LaBranche, Mullin, Ralph, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Benton, Blake, William Boucher, Danforth, Davis, Robert Day, Felch, Goff, Kane, Kashulines, Nelson, Norton, Quimby, Schwaner and Webster.

STRAFFORD: Belhumeur, Walter Desmarais, Kincaid, Lefavour, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Lewko and Scott, and the veto was overridden, the ayes being more than the necessary two-thirds.

Reps. Lessard, Dennis Ramsey and Willey wished to be recorded in favor of HB 44.

Rep. Tarr notified the Clerk that he voted nay and meant to vote yea.

#### VETO MESSAGE ON HB 47

Pursuant to Article 44, Part 2 of the Constitution, I return House Bill 47 with my objections thereto noted.

This bill would conform the state unemployment compensation law to the federal requirements specified in P.2, 94-566 by mandating unemployment benefits for all local and state employees.

The bill would cover all public

employees, including part time employees. The cost of this additional coverage would eventually run into millions. In the case of local taxpayers it would result in higher property taxes.

This is a clear case of the Federal Government ordering a new program and the state and local communities being compelled to pay the cost.

It is estimated that this federally mandated extension of coverage of unemployment benefits will cost our taxpayers and business community more than \$2 1/2 million per year.

If we do not adopt this bill we are told that the Feds will decertify the Department of Employment Security and its program which will cost our business community about \$40 million per year.

In recognition of the financial box in which the Federal Government has placed New Hampshire and all other states and its gross intrusion on the sovereignty of our state, the Legislature incorporated a strongly worded preamble to the bill protesting in vehement terms against the federal action.

But who in Washington will ever read the preamble to our bill, or reading will take heed? The tides of events are not turned by protests or tears. Only strong, determined action by a resolute people can stop the erosion of state sovereignty.

Is there not to be some time, some place, some one who will say that the sovereign rights reserved to this state by our Founding Fathers are an integral part of our constitutional fabric and cannot be ripped asunder by a power-crazed Federal Government.

If we let this bill slip by with only a sharply worded protest, the tempo of the spreading power of federal centralism will increase and become irresistible.

I suggest that the time is now, the place is New Hampshire and that we are the ones who should call a halt to this most recent and diabolical intrusion of the Federal Government into the affairs of our State.

Already we have joined with other states in suing the Feds on this issue. Let us not risk defeat in that case by supinely capitulating with this bill.

If we truly believe in the reserved sovereignty guaranteed to us by both our state and federal constitutions, let us turn down this bill of surrender and challenge the Federal Government to do its worst just as we defied the Coast Guard several years ago.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 47 pass?

Reps. Skinner, Gould, LaMott and McGlynn spoke in favor of the motion.

Reps. Bednar and James Murray spoke against the motion.



(Speaker presiding)  
YEAS 190 NAYS 74

YEAS 190

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Claflin, Raymond Conley, Dickinson and Kenneth Smith.

CHESHIRE: Callahan, Close, Dostilio, Anne Gordon, Hogan, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell and Scranton.

COOS: Cooney, Hunt, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Mann, Neil McIver, Rounds, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Emile Boisvert, Wilfrid Boisvert, Brody, Carswell, Chagnon, Corser, Margaret Cote, Coughlin, Crotty, Catherine-Ann Day, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Heald, Thomas Hynes, Kaklamanos, Keefe, Knight, Lyons, Martin, McGlynn, McLaughlin, Morgan, Nardi, Nemzoff-Berman, Normand, Orcutt, Pappas, Peters, Podles, Simard, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Milton Cate, Eugene Daniell, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, LaBranche, McNichol, Mitchell, Mullin, Pardy, Pelton, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blake, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cunningham, Robert Day, Dunfee, Flanagan, Beverly Gage, Ganley, Gaskill, Gibbons, Gould, Hartford, Hoar, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sarnborn, Skinner, Alfreda Smith, Spaine, Stimmell, Sytek, Tavitian and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Hebert, Joos, Kincaid, Lefavour, Lessard, McManus, Meader, Nadeau, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur and Gray.

NAYS 74

BELKNAP: Marsh and James Murray.

CARROLL: Roderick Allen, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Fillback, Irvin Gordon, Moore and Whipple.

COOS: Burns, Horton and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Logan, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bednar, Belanger, Coburn, Clyde Eaton, Granger, Sal Grasso, Karnis, Levesque, Mazur, Fred Murray, Paradis, Arnold Perkins, Polak, Henry Richardson, Stylianos, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Packard, Shepard, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Benton, Danforth, Davis, Felch, Goff, Kashulines, King, Nelson, Schwaner, Webster and Wolfen.

STRAFFORD: Canney, Walter Desmarais, Osgood, Preston and Tripp.

SULLIVAN: D'Amante, Desnoyer, Ingram, Lewko and Scott, and the veto was overridden, the ayes being more than the necessary two-thirds.

Reps. Tucker and Willey wished to be recorded in favor of HB 47.

#### VETO MESSAGE ON HB 49

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 49 with my objections thereto noted.

The need for legislation that will preserve and protect our environment has been supported and encouraged throughout this administration. This does not mean that we should allow poorly written legislation that could become a detriment to environmental efforts in the future of New Hampshire to become law.

The concept of the efforts on behalf of wild, scenic, and recreational rivers for New Hampshire is one that I support and the original report came out of a study from my Executive Department. There was no reason for this bill to be rushed through the legislative process of the Special Session, and the result is a bill that does not do justice to the intent.

The bill is drafted to cause serious problems to the Department of Public Works and Highways. Once a river is identified it would require another review step before they could construct a bridge or take any other action. Once a river was designated the Highway Department might be prevented from taking any action of any kind along that river.

The Water Resources Board strongly opposes this bill. If it were enacted into law all state agencies deal with areas that might affect the river's category could not proceed further without review and advice from the Council on Resources and Development, and that Council had not met for three years until last week. Thus, this legislation would turn duties over to an agency that has been extremely inactive.

There is also a question of constitutionality because in some cases this bill could result in the taking of a person's land for all practical purposes without any compensation.

The bill is poorly drafted and has conflicting provisions. In some places it talks of identification of rivers by the Joint Committee on Rivers, in other areas it talks of rivers identified by the General Court. While it outlines a procedure for designation of rivers it does not contain a procedure to reverse or change the designation.

In one part of the bill it appears to designate complete legislative authority to the Environmental Quality Committee and in another part of the bill it appears to take that authority back. There is no Executive Department input in any of the committees involved.

While the concept of this bill is a sound one I would urge you to support my veto so it can be drafted in a clear language that will be understandable to all of our people.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 49 pass?

Rep. Orcutt spoke in favor of the motion and yielded to questions.

Reps. Ganley, Marshall French, Wilfrid Boisvert and Claflin spoke in favor of the motion.

Rep. Donald Howard spoke against the motion.

(Speaker Presiding)

YEAS 171 NAYS 99

YEAS 171

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Claflin, Raymond Conley, Dickinson and Kenneth Smith.

CHESHIRE: Callahan, Close, Fillback, Anne Gordon, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell and Scranton.

COOS: Cooney, Bradley Haynes, Horton, George Lemire, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Belanger, Emile Boisvert, Wilfrid Boisvert, Carswell, Corser, Margaret Cote, Coughlin, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Heald, Kaklamanos, Keefe, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Peters, Leonard Smith, Soucy, Spirou, St. George,

Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Eugene Daniell, Gamache, Hess, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Packard, Pardy, Pelton, Ralph, Rice, Rich, Stefanides, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Campbell, Carpenito, Collins, Connors, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Skinner, Splaine, Stimmell and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Hebert, Horrigan, Joos, Lessard, McManus, Meader, Nadeau, Osgood, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Tucker.

NAYS 99

BELKNAP: Lawton, Mansfield, Marsh and James Murray.

CARROLL: Roderick Allen, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Irvin Gordon, Hogan, Moore and Whipple.

COOS: Burns, Hunt and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Clark, McAvoy, Pepitone, Rounds, Snell and Glynetta Thomson.

HILLSBOROUGH: Ainley, Barrett, Bednar, Chagnon, Coburn, Granger, Sal Grasso, Thomas Hynes, Karnis, Knight, Levesque, Lyons, Madigan, Mazur, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Simard, Stylianos and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Polly Johnson, Mitchell, Mullin, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Blake, William Boucher, Cunningham, Davis, Robert Day, Felch, Beverly Gage, Griffin, King, Joseph McEachern, Nelson, Norton, Anthony Randall, Scamman, Schwaner, Alfreda Smith, Sytek, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Canney, Water Desmarais, Kincaid, Lefavour, Preston, Dennis Ramsey and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, Desnoyer, Gray, Ingram, Lewko and Scott, and the veto was sustained lacking the necessary two-thirds.

Rep. Willey wished to be recorded in favor of HB 49.

#### VETO MESSAGE ON HB 61

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 61 with the reasons for opposition thereto noted.

This bill would restore to their prior level the fees for certificates of title and inspection stickers that were raised in 1977.

The small increases from \$2.00 to \$5.00 for certificates of title and from \$.15 to \$.65 for inspection stickers were certainly not exorbitant in view of the general inflation of recent years.

The Legislature sought to earmark the \$1.2 million in revenue raised by these increases in a footnote to the recent operating budget for the unrestricted general revenue fund.

In an opinion of June 22 by the Attorney General the Comptroller was told that under our Constitution these fees could not be diverted to the general revenue fund but instead were restricted to highway use.

The opinion concluded "that the revenue derived from fees for inspection stickers, inspection stations and certificates of title be disposed of as follows:

"1. Such revenue will just be used to reimburse the funding source initially utilized to pay the necessary costs of administering and collecting the revenue-generating fees;

"2. Any revenue in excess of the necessary costs of administration and collection may be expended only for highway purposes, and therefore cannot be deposited as unlimited purpose general fund revenue."

Inasmuch as the revenues generated by the fees in question cannot be diverted to the general revenue fund, as the Legislature sought to do by a footnote in the budget, and in view of the heavy demand for the maintenance and construction of highways, I believe that we should continue the fees at their present level.

Therefore, I would respectfully urge that this veto be sustained.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Clerk read the veto message.

Question being, notwithstanding the Governor's veto, shall HB 61 pass?

Reps. Marshall French, Roderick Allen, Cornelius and James Murray spoke in favor of the motion.

Reps. Tucker, Henry Richardson and Eugene Daniell spoke against the motion.

(Speaker presiding)

YEAS 204 NAYS 54

YEAS 204

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Lawton, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Dickinson, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Close, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Parker, Margaret Ramsay, Russell and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Horton, Hunt, Oleson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Hough, Logan, Mann, McAvoy, Pepitone, Rounds, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Carswell, Corser, Joseph Cote, Margaret Cote, Coughlin, Crotty, Arline Dion, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sai Grasso, Heald, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Levesque, Lyons, Madigan, Martin, Mazur, McGlynn, McLaughlin, Fred Murray, Nardi, Nemzoff-Berman, Normand, Orcutt, Paradis, Peters, Podles, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Emma Wheeler, Robert Wheeler, James White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, John Cate, Eugene Daniell, Gamache, Hess, Polly Johnson, McLane, McNichol, Mullin, Packard, Parry, Pelton, Ralph, Rice, Rich, Shepard, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, William Boucher, Campbell, Carpenito, Connors, Cotton, Cunningham, Danforth, Davis, Robert Day, Flanagan, Beverly Gage, Carl Gage, Ganley, Gibbons, Goff, Gould, Hartford, Hoar, Jones, Kane, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Anthony Randall, Rogers, Sanborn, Scamman, Sytek, Tavitian, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Hebert, Horrigan, Kincaid, Lessard, McManus, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram and Spaulding.



NAYS 54

BELKNAP: Mansfield.

CARROLL: Towle.

CHESHIRE: Lynch, Moore and Scranton.

COOS: Alcide Valliere.

GRAFTON: George Cate, LaMott and Snell.

HILLSBOROUGH: Arnold, Wilfrid Boisvert, Chagnon, Coburn, Morgan, O'Neil, Pappas, Arnold Perkins, Polak, Henry Richardson, Simard, Leonard Smith, Wallin and Geraldine Watson.

MERRIMACK: Bibbo, Laurent Boucher, Chandler, Richard Hanson, Kidder, LaBranche, Donna MacIvor, Mitchell, Doris Riley and Gerald Smith.

ROCKINGHAM: Blake, Felch, Griffin, Kashulines, Norton, Parr, Pucci, Quimby, Richards, Schwaner, Skinner, Stimmell and Webster.

STRAFFORD: Joos, Lefavour, Dennis Ramsey, Valley and Voll.

SULLIVAN: Lewko, Scott and Tucker, and the veto was overridden, the ayes being more than the necessary two-thirds.

Rep. Willey wished to be recorded in favor of HB 61.

Rep. Marshall French and Cornelius moved that the House stand in recess.

Adopted.

## RECESS

## COMMITTEE OF CONFERENCE REPORT ON HB 32

HB 32, relative to certain amendments to the operating budget. (Printed in SJ June 29)

Reps. McLane, Tucker, Scamman and LaMott explained the report.

Rep. Spirou spoke to the report.

Rep. Eugene Daniell spoke against the report.

A quorum count was requested.

The Speaker declared a quorum present.

Question being on the adoption of the Committee of Conference report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 254 NAYS 28

YEAS 254

BELKNAP: Gary Dionne, Marshall French, Hildreth, Lawton, Mansfield, Marsh, Morin, James Murray, Nighswander and Rose.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Lynch, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Horton, Hunt, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Copenhaver, Cornelius, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Brody, Carswell, Chagnon, Margaret Cote, Coughlin, Crotty, Arline Dion, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Levesque, Lyons, Madigan, Martin, McGlynn, McLaughlin Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, Donna MacIvor, McLane McNichol, Mitchell, Mullin, Packard, Pelton, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Benton, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Cage, Carl Cage, Canley, Gaskill, Gibbons, Goff, Gould, Hartford, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Nelson, Niebling, Norton, Parr, Pucci, Quimby, Anthony Randall, Richards, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Hebert, Horrigan, Joos, Kincaid, Lefavour, Lessard, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 28

BELKNAP: Bowler and Kenneth Randall.



CARROLL: Roderick Allen.

CHESHIRE: Dostilio and Parker.

COOS: Oleson.

GRAFTON: Buckman, Clark, Pepitone and Taffe.

HILLSBOROUGH: Coburn, Drewniak, Mazur, Simard and Emma Wheeler.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, LaBranche and Pardy.

ROCKINGHAM: Blake, Blanchette, Hoar, Parolise and Rogers.

STRAFFORD: McManus.

SULLIVAN: Barrus and Gray, and the conference report was adopted.

Reps. Griffin, Connors and Crory wished to be recorded in favor of the report.

#### RECONSIDERATION

Rep. Schwaner, having voted with the prevailing side, moved that the House reconsider its action whereby it sustained the gubernatorial veto of HB 49, providing for a New Hampshire wild, scenic and recreational rivers system.

Rep. Schwaner spoke to her motion.

Rep. Ganley spoke in favor of the motion.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 170 NAYS 102

YEAS 170

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Kenneth MacDonald.

CHESHIRE: Callahan, Close, Dostilio, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatis and Whipple.

COOS: Cooney, Bradley Haynes, Oleson, Theriault and Willey.

GRAFTON: George Cate, Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Mann, Rounds, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Emile Boisvert, Wilfrid Boisvert, Brody, Carswell, Chagnon, Margaret Cote, Crotty, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Head, Heald, Thomas Hynes, Kaklamanos, Karnis, Madigan, Martin, McGlynn, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Simard, Leonard Smith, St. George, Van Loan, Wallin, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Carroll, Gamache, Hess, Kidder, LaBranche, Donna MacIvor, McNichol, Mitchell, Mullin, Pardy, Pelton, Plourde, Ralph, Rice, Rich, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Robert Day, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gibbons, Gould, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Niebling, Parolise, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Sytek, Tavitian and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Horrigan, Kincaid, Lefavour, Lessard, McManus, Meader, Nadeau, Osgood, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Lewko, Palmer, Scott, Sara Townsend and Tucker.

#### NAYS 102

BELKNAP: Lawton, Mansfield, Marsh and James Murray.

CARROLL: Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Anne Gordon, Irvin Gordon, Hogan and Moore.

COOS: Burns, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Logan, McAvoy, Pepitone, Snell and Glynetta Thomson.

HILLSBOROUGH: Aubut, Barrett, Bednar, Belanger, Coburn, Joseph Cote, Coughlin, Joseph Eaton, Granger, Sal Grasso, Keefe, Levesque, Lyons, Mazur, McLaughlin, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Soucy, Stylianos, Francis Sullivan, Wallace, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Richard Hanson, Polly Johnson, Packard, Doris Riley, Shepard, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Benton, Blake, Cunningham, Danforth, Davis, Erler, Felch, Goff, Griffin, Kashulines, King, Nelson, Norton, Scamman, Webster and Wolfson.

STRAFFORD: Canney, Walter Desmarais, Hebert, Joos, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram and Spaulding, and reconsideration prevailed.

Question being, notwithstanding the Governor's veto, shall HB 49 pass?

(Speaker Presiding)  
YEAS 175 NAYS 100  
YEAS 175

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Morin, Nighswander, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Kenneth MacDonald.

CHESHIRE: Callahan, Close, Dostilio, Anne Gordon, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatisis.

COOS: Cooney, Bradley Haynes, Oleson, Theriault, Alcide Valliere, Willey and Wiswell.

GRAFTON: George Gate, Chambers, Copenhaver, Cornelius, Crory, Hough, Mann, Rounds, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Belanger, Emile Boisvert, Wilfrid Boisvert, Brody, Carswell, Margaret Cote, Crotty, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Head, Heald, Thomas Hynes, Kaklamanos, Madigan, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Simard, Leonard Smith, St. George, Francis Sullivan, Van Loan, Wallin, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Carroll, Gamache, Hess, Kidder, LaBranche, Donna MacIvor, MacNichol, Mitchell, Mullin, Parady, Pelton, Plourde, Ralph, Rice, Rich, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Robert Day, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gibbons, Goff, Gould, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Tavitian and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Hebert, Horrigan, Kincaid, Lessard, McManus, Meader, Nadeau, Osgood, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Palmer, Sara Townsend and Tucker.

NAYS 100

BELKNAP: Lawton, Marsh and James Murray.

CARROLL: Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Irvin Gordon, Hogan, Moore and Whipple.

COOS: Burns, Horton, Hunt, George Lemire, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, LaMott, Logan, McAvoy, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Aubut, Barrett, Bednar, Chagnon, Coburn, Joseph Cote, Coughlin, Joseph Eaton, Granger, Sal Grasso, Karnis, Keefe, Levesque, Lyons, Mazur, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Soucy, Stylianos, Wallace, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Polly Johnson, Packard, Doris Riley, Shepard, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Benton, Blake, Cunningham, Danforth, Davis, Erler, Felch, Beverly Gage, Griffin, Kashulines, King, Nelson, Norton, Scamman, Sytek, Webster and Wolfsen.

STRAFFORD: Canney, Walter Desmarais, Joos, Lefavour, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Scott and Spaulding, and the veto was sustained lacking the necessary two-thirds.

#### VACATE

Rep. Dickinson moved that the House vacate SB 20, relative to fill and dredge and wetlands, from the Committee on Resources, Recreation and Development.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 172 NAYS 92

YEAS 172

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Morin, James Murray, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Irvin Gordon, Lynch, Matson, Moore, Parker, Proctor, Russell, Terry, Vrakatisis and Whipple.

COOS: Burns, Bradley Haynes, Horton, Oleson, Mabel Richardson, Theriault, Alcide Valliere and Willey.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, Mann, Rounds, Snell, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Brody, Carswell, Margaret Cote, Coughlin, Nancy Gagnon, Girolimon, Granger, Head, Heald, Kakihamanos, Levesque, Martin, McGlynn, McLaughlin, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Podles, Leonard Smith, Spirou, Francis Sullivan, Wallace, Wallin, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, John Cate, Milton Cate, Chandler, Eugene Daniell, Hess, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McNichol, Pardy, Ralph, Rice, Rich, Doris Riley, Shepard, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Danforth, Robert Day, Dunfey, Beverly Gage, Ganley, Gaskill, Gibbons, Gould, Hartford, Hoar, Jones, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Sytek, Webster and Wojnowski.

STRAFFORD: Burchell, Hebert, Horrigan, Kincaid, Lefavour, Lessard, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith and Torrey.

SULLIVAN: Barrus, Brodeur, Burrows, Gray, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 92

BELKNAP: Marsh.

CARROLL: Howard and Kenneth Smith.

CHESHIRE: Callahan, Daniel Eaton, Anne Gordon, Hogan, Krause, Margaret Ramsay and Scranton.

COOS: Cooney, Hunt, George Lemire, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, LaMott, Logan, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bednar, Emile Boisvert, Wilfrid Boisvert, Chagnon, Coburn, Joseph Cote, Drewniak, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, Thomas Hynes, Karnis, Keefe, Lyons, Madigan, Mazur, Morgan, Nemzoff-Berman, Paradis, Arnold Perkins, Polak, Simard, Soucy, St. George, Stylianos, Van Loan, Emma Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, Gamache, Mitchell, Mullin, Packard, Pelton and Plourde.

ROCKINGHAM: Akerman, Cunningham, Davis, Erler, Felch, Flanagan, Carl Gage, Goff, Griffin, King, Nelson, Norton, Anthony Randall, Richards, Stimmell, Tavitian, Helen Wilson and Wolfesen.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Joos, Tripp, Valley, Voll and Shirley White.

SULLIVAN: D'Amante, Desnoyer and Ingram, and SB 20 was vacated.

Rep. Dickinson moved that SB 20, relative to fill and dredge and wetlands, be ordered to third reading, and spoke to his motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 226 NAYS 37

YEAS 226

BELKNAP: Bowler, Gary Dionne, Marshall French, Hildreth, Lawton, Mansfield, Morin, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Irvin Gordon, Lynch, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatisis and Whipple.

COOS: Burns, Bradley Haynes, Horton, Oleson, Mabel Richardson, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Hough, Logan, Mann, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Bednar, Emile Boisvert, Brody, Carswell, Margaret Cote, Coughlin, L. Penny Dion, Drewniak, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, Thomas Hynes, Kakihamanos, Karnis, Keefe, Levesque, Lyons, Madigan, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Simard, Leonard Smith, Soucy, Spirou, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Gamache, Hess, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McNichol, Mitchell, Mullin, Pardy, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.



ROCKINGHAM: Aeschliman, Akerman, Benton, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cunningham, Danforth, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Canley, Gaskill, Gibbons, Gould, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Donnelly, Hebert, Horrigan, Kincaid, Lessard, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 37

BELKNAP: Marsh.

CARROLL: Howard and Kenneth Smith.

CHESHIRE: Anne Gordon and Hogan.

COOS: Cooney, Hunt and George Lemire.

GRAFTON: Buckman, George Cate, Clark, LaMott and Pepitone.

HILLSBOROUGH: Barrett, Wilfrid Boisvert, Chagnon, Coburn, Joseph Cote, Joseph Eaton, Gabrielle Gagnon, Mazur, Paradis, St. George and Emma Wheeler.

MERRIMACK: Milton Cate, Packard and Pelton.

ROCKINGHAM: Davis, Coff, Nelson, Norton, Helen Wilson and Wolfson.

STRAFFORD: Canney, Joos, Tripp and Voll.

SULLIVAN: None, and the motion was adopted.  
Ordered to third reading.

#### UNANIMOUS CONSENT

Rep. Raymond Conley addressed the House under unanimous consent.

Mr. Speaker, members of the House:

A little more than seven years ago I stood before this body and shared with those present the feeling of pleasure and excitement that occurs on the occasion of the enrollment of a freshman legislator's first bill. A once in a lifetime happening that I wanted to share with all those who made it possible.

Now some 50 some odd bills and resolutions later I again wish to confirm the correctness of the choice I made in 1970 to run for a seat in this House. It has been a great seven plus years.

Having served under three speakers known fondly as Mighty Marshall, Gentleman Jim and King George, I have learned the ways of parliamentary inquiries - cloture - how to adjourn from the business of the early session - fast and slow gavels, and - how to lay it on the table.

But mostly it has been my pleasure to have met and worked with some of the finest people I have ever known. People willing to give freely of their wisdom, talents and concern, and though sometimes we did not quite agree on a matter or two, consideration and friendships have most always been the rule.

I have learned that "Credibility" is the name of the game, the same to be maintained at all costs!

I appreciated especially the sage advice of veteran members and staff, including Reps. Joe Eaton, Hilda Brungot, Tom Urie, Cap Gay, Carl Altman, Wilfrid Boisvert, Dan Healy, Russ Claflin, seat-mate Fred Murray and many others of more recent date. Also former House Clerk Milt Street and Sergeant-at-Arms Ted Aucella.

During this past session it has been my good fortune to chair a committee made up of some of the most dedicated, hard working members of this house, and I salute them.

Now it's time to move on and march to the beat of a different drum, and I can only hope that all this experience and good will can be put to good use across the hall.

In saying thank you to the House, I will leave you with these words which will be familiar to some, new to others, taken from a tablet located in the lobby of the Institute of Physical Medicine and Rehabilitation in New York City.

"I asked God for strength, that I might achieve

I was made weak, that I might humbly learn to obey

I asked for health, that I might do greater things

I was given infirmity, that I might do better things

I asked for riches, that I might be happy

I was given poverty that I might be wise

I asked for power that I might have the praise of men

I was given weakness, that I might feel the need of God

I asked for all things, that I might enjoy life

I was given life, that I might enjoy all things

I got nothing that I asked for - but everything I had hoped for

Almost despite myself, my unspoken prayers were answered

I am among all men, most richly blessed."

Reps. Marshall French and Spirou moved

that Rep. Conley's remarks be printed in the Journal.

Adopted unanimously.



## SENATE MESSAGE

## REQUEST CONCURRENCE WITH AMENDMENT

HB 21, reimbursing John A. King for legal expenses in regard to the Board of Probation v. John A. King. (Amendment printed in SJ June 29)

Rep. Tucker moved that the House concur, and spoke to his motion.

Reps. Marshall French and Spirou spoke in favor of the motion.

Adopted.

Rep. Marshall French moved that the House adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be in honor of Representative and Mrs. Fred Murray's forty first anniversary, Representative and Mrs. Thomas Connors' Golden Anniversary, Representative and Mrs. Barrett's forty-third anniversary, Representative and Mrs. Hunt's fifty-first anniversary, and Representative and Mrs. Cunningham's forty-seventh anniversary.

Adopted.

## LATE SESSION

Third reading and final passage

HB 68, limiting bodily injury liability for maintenance or operation of publicly owned dams.

SB 20, relative to fill and dredge and wetlands.

Reps. Marshall French and Spirou moved that the House stand in recess for the purpose of enrolling bills only.

Adopted.

## RECESS

(Rep. French in chair)

## ENROLLED BILLS AMENDMENT

HB 32, relative to certain amendments to the operating budget.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to certain amendments to the operating budget, certain supplemental appropriations, the clarification of certain fees and relative to federal economic development grants.

Amend section 7 of the bill by striking out lines 15 and 16 and inserting in place thereof the following:

II. Rebate Authority Provided. Authority is hereby granted to the water supply and pollution control commission to rebate any excess fees which have been collected under the

Amend RSA 100-A:15, I, as inserted by section 24 of the bill by striking out lines 12 through 18 of said paragraph and inserting in place thereof the following:

have been invested, as well as the proceeds of such investments. Provided, however, that the trustees or their designees shall be exempt from the provisions of RSA 411-A:6, III in making investments. The board of trustees shall have

1. The title of the bill has been amended to delete references therein to material which was excised from the bill in committee of conference.

2. A bill section paragraph title has been inserted to clarify that the paragraphs contents are to be printed as a session law rather than as a statute.

3. Language referring to a recently repealed section of the RSA has also been deleted.

Adopted.

## ENROLLED BILLS REPORT

HB 21, relative to reimbursing John A. King for certain legal expenses and relative to salaries of unclassified state employees.

HB 32, relative to certain amendments to the operating budget, certain supplemental appropriations, the clarification of certain fees and relative to federal economic development grants.

SB 20, relative to fill and dredge in wetlands.

Sen. Laurier Lamontagne  
For the Committee

## ENROLLED BILLS REPORT

HB 67, relative to salaries of classified state employees.

Sen. James A. Saggiotes  
For the Committee

## RECESS

Rep. Marshall French moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 14

Wednesday, 26 Jul 78

The House met at 10:00 o'clock.

Prayer was offered by Rep. George Barrus.

Eternal God, Creator of every thing and every person, grant to us in this House of Representatives the wisdom of thy spirit so that we may see clearly, think correctly and act wisely.

Most of all, help us to be willing to do the right thing in the right way.

May the White Mountains of truth and honor stand firm and bright above the fog and confusion of these troubled days to preserve the unique place of New Hampshire among our great Union of free states.

In the name of Him who said "The truth shall make you free."

Amen.

Rep. Frizzell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Lachance, Hess, Dickinson, Taffe, Gemmill, Nemzoff-Bergan, Gelinias, Poulin, Dennis Ramsey, Cummings, Wilfrid Boisvert, Faucher, Found, Erler, Patenaude, Martin, Zabarsky and Taffe the day, important business.

Reps. Forsaith Daniels, William Desmarais and Donald Howard, the day, illness.

Rep. Kerry O'Connor, death in the family.

## INTRODUCTION OF GUESTS

Arthur Schoenewaldt of Hilton Head, South Carolina, guest of Rep. Bibbo; Chris Bellemore, son of Rep. Bellemore; Elizabeth Stimmell, wife of Rep. Stimmell; Joan Nordholz, Sister Clarissa of New York and Ann Stuprich of McHenry, Illinois, sister and guests of Rep. Pucci; Elizabeth Smith and Mr. and Mrs. Donald Farley of Tuckerton, New Jersey, wife and guests of Rep. Donald Smith; Mrs. Tina Philbrick of Portsmouth, guest of Rep. Hartford; Mrs. Eleanor Carpenito, Michael Carpenito and Ron Letch, mother, brother and guest of Rep. Carpenito; Eddie J. Frazer, sister-in-law of Rep. Lessard; Chris Hamilton of Somersworth, nephew of Rep. Nadeau; Leo Frederick and George Hey of Derry, guests of Rep. Gibbons.

## COMMUNICATIONS

July 12, 1978

Dear Mr. Speaker:

This letter is to formally request that I be allowed to resign my seat as a State Representative for Cheshire County District No. 15. I have moved from that district and now reside in Hillsborough County District No. 16.

Very truly yours,  
Rep. Thomas C. Slack

July 12, 1978

Dear Mr. Speaker:

Yesterday I moved my residence from 103 School Street in Ward 4, Keene to Acrebrook

Road in Ward 3. Consequently, I am hereby submitting my resignation as a member of the New Hampshire Legislature. I want to thank you for your cooperation and confidence in me during the last two sessions. I have enjoyed serving as Chairman of the House Executive Departments and Administration Committee, Vice Chairman of the Labor Committee and Clerk of the Sunset Committee.

I have decided to run for the Legislature from Ward 3; I have signed a residence affidavit for the September Primary. In the event I am elected, I look forward to working with you in the 1979 session of the Legislature.

Warm regards.

Yours sincerely,  
Rep. E. H. Close

Rep. Donald Smith moved that debate be limited to twenty minutes equally divided on all veto messages, and spoke to his motion. Adopted.

## VETO MESSAGE ON SB 49

Pursuant to Article 44, Part 2 of the Constitution I return herewith Senate Bill 49 with my objections thereto noted.

However worthy the objectives of this bill to prohibit railroads from imposing any cost or change on a municipality laying water or sewer lines under existing railroad tracks, it would in my judgment constitute taking of property without just compensation and therefore would be unconstitutional.

The law of New Hampshire requires the payment of just compensation for the taking of private property for public use. See New Hampshire Constitution, Part I, Article 12 and State v. Garceau, 118 New Hampshire, decided May 9, 1978.

The laying of water or sewer lines across the property of another, whether owned by an individual, corporation or utility would constitute the appropriation of the property right of another.

The obligation imposed by this bill that the municipality rebuild the railroad track at least as sound as before in no way lessens the fact of a taking without consent or compensation.

I have informally consulted with the Attorney General's office and am informed that they share the view expressed here as to the constitutionality of this bill.

For these reasons I trust that your vote will be to sustain this veto.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Assistant Clerk read the veto message.

Question being notwithstanding the Governor's veto, shall SB 49 pass?

Reps. Hoar and Bednar spoke in favor of the motion and yielded to questions.

Reps. Leonard Smith, Marshall French, Plourde and Fortier spoke in favor of the motion.

Rep. Lawton spoke against the motion.

(Speaker Presiding)

YEAS 240 NAYS 59  
YEAS 240

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Nighswander, Kenneth Randall, Rose and Sanders.

CARROLL: Claflin, Raymond Conley and Kenneth Smith.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Hunt, George Lemire, Oleson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Croy, Dearborn, Hough, LaMott, Logan, Mann, Neil McIver, Pepitone, Rounds, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Bosse, Brack, Carswell, Colson, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Granger, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, LaFleur, Levesque, Lyons, Marcoux, Martel, McDonough, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Sweeney, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Bodi, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Polly Johnson, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Pelton, Plourde, Ralph, Rice, Rich, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Barka, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Flanagan, Beverly Gage, Gaskill, Gibbons, Gould, Greene, Hartford, Hoar, Kane, King, Kraser, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Skinner, Alfreda Smith, Stimmell, Sytek, Tavitian and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kincaid, Lefavour, Lessard, Maglaras, Meader, Nadeau, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Burrows, D'Amante, Desnoyer, Frizzell, Gray, LeBrun, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 59

BELKNAP: Lawton, Morin and James Murray.

CARROLL: Keller, Kenneth MacDonald and Towle.

CHESHIRE: Galloway, Irvin Gordon and Moore.

COOS: Keough and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Myrl Eaton, McAvoy, Snell, Taylor and Glyneta Thomson.

HILLSBOROUGH: Chagnon, Clyde Eaton, Karnis, Knight, Mazur, Paradiš, Henry Richardson, Paul Riley, Kevin Sullivan and Emma Wheeler.

MERRIMACK: Ayles, Chandler, James Humphrey, Kidder, Packard, Arthur Perkins, Shepard and Waters.

ROCKINGHAM: Benton, Davis, Robert Day, Felch, Griffin, Jones, Kashulines, Nelson, Schwane, Webster, Helen Wilson and Wolfson.

STRAFFORD: Walter Desmarais, Joncas, Maloomian and Tripp.

SULLIVAN: Barrus, Brodeur, Ingram, Lewko and George Wiggins, and the veto was overridden, the ayes being more than the necessary two-thirds.

Rep. Zabarsky wished to be recorded in favor of SB 49.

#### VETO MESSAGE ON HB 21

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 21 with my objections thereto.

It is abhorrent to me and I believe to the people of New Hampshire for the Legislature to pass two major policy questions in one piece of legislation as they have done with this bill.

No matter how good one proposal may be or how bad the other, the Governor is put in the untenable position of accepting all or none.

This bill provides for the reimbursement of legal expenses to John A. King and Clayton F. Osborne. It also provides for a pay raise to unclassified state employees.

The appropriation of funds for legal expenses sets a bad precedent for the state that will make it almost impossible to remove unqualified, incompetent or dishonest employees in the future. This precedent will encourage political law suits.

The section that rewrites the current removal process in RSA 4:1 gives the power to choose the judge to the Secretary of State thus by-passing Governor and Council. It provides that the Justice or Master shall set equal and reasonable legal fees for counsel for each of the parties involved which means that the state could be providing legal fees for murderers, rapists, or anyone who commits other such felonies if



they decide to remove him from office for the commission of said felonies.

The bill also provides for an unclassified pay raise which is necessary if we are to provide at the same time a pay raise for classified employees. To include the unclassified pay raise as part of a poor bill rather than placing the unclassified pay raise in the same package as the classified pay raise is a strictly political maneuver by some legislators who know that payment of defense fees in the King case could not become law on its own merits.

The Fiscal Committee of the Legislature in conjunction with the Executive Council spent a good deal of time restructuring the unclassified pay system into an orderly process. To present to the Governor less than a year after that reform was implemented, a classified pay bill without including the unclassified employees in the same package, would destroy the excellent work done by that committee. It would make us revert once more to the untenable situation where we would grant, through Executive Council action, pay raises to those unclassified employees who have their subordinates getting more pay than they do and thus destroy the orderly process of making unclassified pay based on performance and duties.

I have outlined in my veto message of House Bill 67 the economic reasons why I feel strongly that any pay raise should take effect on or about October first rather than July first so that we may protect the fiscal solvency of our state.

I hope that you will sustain this veto and in doing so maintain our solvency and reject the type of political opportunism that this type of "take a good bill with a bad" legislation suggests.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Assistant Clerk read the veto message.

Question being notwithstanding the Governor's veto, shall HB 21 pass?

Reps. James White, LaMott, Eugene Daniell, Marshall French and Spirou spoke in favor of the motion.

Rep. Felch spoke against the motion and yielded to questions.

Reps. Emma Wheeler, Snell, Lawton, Barrus and Scamman spoke against the motion.

(Speaker Presiding)  
YEAS 214 NAYS 98  
YEAS 214

BELKNAP: Beard, Marshall French, Goyette, Hildreth, Nighswander, Kenneth Randall and Rose.

CARROLL: Claflin.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Anne Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatisis.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Mann, Neil McIver, Rounds, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Belanger, Emile Boisvert, Brack, Chagnon, Colson, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dreniak, Dupont, Joseph Eaton, Flynn, Gabrielle Gagnon, Girolimon, Head, Heald, Daniel Healy, Thomas Hynes, Kaklamanos, Keefe, LaFleur, Lyons, Madigan, Martel, McDonough, McGlynn, Morgan, Morrison, Nardi, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Polak, Record, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Kevin Sullivan, Sweeney, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Gerald Smith, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Dunfee, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Sanborn, Alfreda Smith, Stimmell, Tavitian and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kincaid, Lessard, Maglaras, Meader, Nadeau, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Frizzell, LeBrun, Lucas, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 98

BELKNAP: Gary Dionne, Michael Hanson, Lawton, Morin, James Murray and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Galloway, Irvin Gordon, Moore and Whipple.

COOS: Burns, Mabel Richardson, Willey and York.



GRAFTON: Ira Allen, Buckman, George Cate, Dearborn, McAvoy, Pepitone, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Arnold, Bednar, Carswell, Joseph Cote, Clyde Eaton, Nancy Gagnon, Granger, Sal Grasso, Howard Humphrey, Karnis, Knight, Levesque, Marcoux, Mazur, Fred Murray, Paradis, Arnold Perkins, Podles, Henry Richardson, Paul Riley, Stylianos and Emma Wheeler.

MERRIMACK: Ayles, John Cate, Chandler, James Humphrey, Polly Johnson, Shepard, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Barka, Blake, Davis, Robert Day, Felch, Gaskill, Coff, Griffin, Kashulines, King, Lovejoy, Nelson, Norton, Anthony Randall, Rogers, Scamman, Schwaner, Skinner, Sytek, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Walter Desmarais, Donnelly, Joncas, Lefavour, Maloomian, McManus, Preston and Tripp.

SULLIVAN: Barrus, Burrows, Gray, Ingram, Lewko, Scott and George Wiggins, and the veto was overridden, the ayes being more than the necessary two-thirds.

Rep. Donnelly notified the Clerk that she voted nay and meant to vote yea.

Reps. Zabarsky, Faucher, Dennis Ramsey and Bowler wished to be recorded in favor of HB 21.

#### VETO MESSAGE ON HB 67

Pursuant to Article 44, Part 2 of the Constitution, I return herewith House Bill 67.

I favor a state employees' pay increase, both classified and unclassified, and I so informed the legislative leadership of both branches and of both parties on June 29th.

However, I warned them that we should not make a pay increase if there was any question about our jeopardizing the fiscal solvency of the state by such action.

If I signed this bill and HB 21, providing a pay increase for the unclassified employees, it would leave us with an anticipated surplus as of July 1 of next year of \$2,589,651. This is less than half of one percent of our entire biennium budget.

This, in my judgment, is hardly consistent with the virtues of frugality and economy on which we pride ourselves.

I urged the legislative leadership to make the proposed pay increase effective as of October 1st. This would have given us a projected surplus of one percent.

When economists tell us that economic storm clouds are just over the horizon and will appear in the last quarter of this year, and when bond specialists advise that we are risking our prized AAA rating by gambling too close to the red line of deficit, and when much of our revenue is generated only in prosperous times, it is foolhardy to jeopardize our future without paying heed to such storm warnings.

In the past five years state employees have received the following pay increases and benefits:

Salary Increases			
1973 Regular	June 22, 1973	4%	
1973 Regular	June 21, 1974	4%	
1974 Special	June 21, 1974	Flat \$520.00	
1975 Regular	June 20, 1975	Flat \$260.00	Annual
1977 Regular	June 17, 1977	7% across the board	

#### Fringe Benefits

1. Effective July 1, 1973 the state contribution at the single person rate for Group Hospital and Medical Insurance was increased from \$36 to \$186.42 per year.
2. Effective July 1, 1973 the provisions of the retirement system were amended so that upon the death of a state employee his estate will receive, in addition to his contribution plus interest, an amount equal to his annual salary.
3. As of July 1, 1973 mileage payments for private car use was raised from a sliding scale of \$.08 to \$.06 per mile to a flat \$.10 per mile, and again on July 1, 1974, it was increased to \$.12 per mile. It is now \$.15.
4. As of August 27, 1976 the State picked up the entire costs of BC/BS Health Plan for any type membership or an increase for single persons from \$186.42 to \$257.04 and for those with family plan from \$186.42 to \$707.62.

Since 1973 to the present time the average state employee, labor grade 13, has experienced a 32% increase in salary.

Today, the average state employee receives \$209 weekly. His counterpart in business receives \$178 weekly.

This bill would further provide a pay increase of 6 percent for half of our employees and 13 percent for the remainder. All of this following a 7% pay increase received in July, 1977.

Let me stress that I do favor a 6 percent pay increase at this time for our classified and unclassified employees if such a bill becomes effective October 1 and thereby left the state with a surplus of at least 1% of our budget.

The Legislature should cease making state employees pawns in their games to win pet projects.

If, as I believe, our state employees are entitled to a fair return for their work, then their dedication and loyalty should not be the butt of political maneuvering.

I therefore would urge the Legislature to return in the closing days of their special session and give all state employees, classified and unclassified, a 6 percent pay increase effective October 1st, while leaving a responsible surplus for the state's future credit.

Why deliberately invite a broad base tax by risking a future deficit?

I urge you to sustain my veto and then return to enact a sound pay bill.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

The Assistant Clerk read the veto message.

#### COMMUNICATION

Dear President Jacobson & Speaker Roberts,  
Comptroller Arthur Fowler and his team who have been working feverishly to close our books at a record early date, informed me this morning that the one intangible figure in our budgeting process, the amount of estimated lapses, has now been reasonably determined. It appears that our lapses are going to run slightly above the budgeted four percent. This is possible because of the prudent management methods employed by many of our department heads.

As a result of this information, it now appears that our adjusted unappropriated surplus, if both the classified and unclassified pay bills are approved, would be approximately \$4 million.

There are some potential storm clouds on the horizon for the second year of our biennium. The recently enacted Massachusetts racing legislation could decrease our Greyhound revenue one and a half million dollars below projection. We recently learned that there is a possibility that Rockingham Race Track will not have a winter harness meeting. This could jeopardize our harness racing revenue approximately one million dollars.

On the plus side of the ledger, both business profits tax and liquor, our major sources of revenue, are running, in 1978, substantially higher than legislative estimates and, in fact, higher than projected for 1979.

There is, however, a universally predicted down turn in the economy for the second half of our fiscal year. However, barring a further unforeseen economic problem, it appears that our surplus at the end of the second year's biennium will be in the three and a half to four million dollar range. This approximates one percent of our general fund revenue as I requested.

Therefore, I ask you to override my veto of House Bill 67 as it now appears that the funds are available to grant the pay raise and at the same time attain our goal of a surplus in the range of one percent of our total budget.

I also would ask you to sustain my veto of House Bill 21 despite the fact that the dollars are available to fund this very desirable pay bill for our key unclassified personnel.

It is abhorrent to me and I believe to the people of New Hampshire for the Legislature to pass two major policy questions in one piece of legislation as they have done with this bill.

The appropriation of funds for legal expenses sets a bad precedent for the state that will make it almost impossible to remove unqualified, incompetent or dishonest employees in the future. This precedent will encourage political law suits.

The section that rewrites the current removal process in RSA 4:1 gives the power to choose the judge to the Secretary of State thus by-passing Governor and Council. It provides that the Justice or Master shall

set equal and reasonable legal fees for counsel for each of the parties involved which means that the state could be providing legal fees for murderers, rapists, or anyone who commits other such felonies if they decide to remove him from office for the commission of said felonies.

To include the unclassified pay raise as part of a poor bill rather than placing the unclassified pay raise in the same package as the classified pay raise is strictly a political maneuver by some legislators who know that payment of defense fees in the King case could not become law on its own merits.

The Fiscal Committee of the Legislature in conjunction with the Executive Council spent a good deal of time restructuring the unclassified pay system into an orderly process. To present to the Governor less than a year after that reform was implemented, a classified pay bill without including the unclassified employees in the same package, would destroy the excellent work done by that committee. It would make us revert once more to the untenable situation where we would grant, through Executive Council action, pay raises to those unclassified employees who have their subordinates getting more pay than they do and thus destroy the orderly process of making unclassified pay based on performance and duties.

I hope that no future Legislature will ever put on any future governor's desk a classified pay bill without an accompanying unclassified pay bill. To do so jeopardizes the excellent work of your Fiscal Committee and the Executive Council where we have set up a system where equal duties are equally compensated.

If the Legislature sustains my veto of House Bill 21, I will ask individual members of the Legislature to request the House Rules Committee to allow the introduction of a new unclassified pay bill with no other legislation attached to it. I have seen many times in the past the Legislature in a one day period suspend its rules and pass vitally needed legislation. I am confident that this can be done tomorrow so that we may grant an equal six percent pay raise to all of our employees, both classified and unclassified.

In what could be the Legislature's final day of both the special and regular session, I hope that it will put equality ahead of politics.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

Question being notwithstanding the Governor's veto, shall HB 67 pass?

Reps. Spirou, Dearborn, LaMott, Vrakatitsis, Skinner, Coutermarsh, McLane, Marshall French and Plourde spoke in favor of the motion.

Rep. Tucker spoke in favor of the motion and yielded to questions.

(Speaker Presiding)

YEAS 320 NAYS 1  
YEAS 320

**BELKNAP:** Beard, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Rose and Sanders.

**CARROLL:** Roderick Allen, Claflin, Raymond Conley, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

**CHESHIRE:** Callahan, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatisis and Whipple.

**COOS:** Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

**CRAFTON:** Aldrich, Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Myrl Eaton, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Clynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

**HILLSBOROUGH:** Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Brack, Carswell, Chagnon, Colson, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimono, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, LaFleur, Lyons, Madigan, Marcoux, Martel, Mazur, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Van Loan, Wallace, Wallin, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

**MERRIMACK:** Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Watson and Wiviott.

**ROCKINGHAM:** Aeschliman, Barka, Benton, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage,

Gaskill, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Tavitian, Webster, Helen Wilson, Wojnowski and Wolfesen.

**STRAFFORD:** Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, McManus, Meader, Nadeau, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Shirley White and Allen Wilson.

**SULLIVAN:** Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

## NAYS 1

**HILLSBOROUGH:** Levesque, and the veto was overridden, the ayes being more than the necessary two-thirds.

Rep. Levesque notified the Clerk that he voted nay and meant to vote yea.

Reps. Anthony Randall, Dennis Ramsey, Cummings, Nemzoff-Berman, Faucher, Zabarsky and Martin wished to be recorded in favor of HB 67.

(Rep. Marshall French in the chair)

Rep. Roberts gave a report regarding the Sunset committee.

(Speaker in the chair)

## SUSPENSION OF RULES

Reps. Marshall French, Spirou and Cornelius moved that the rules be so far suspended so as to permit the introduction of a House Bill, establishing a termination schedule for use under the "sunset" act, without prior approval of the Rules Committee, by this resolution to be read a first and second time, and to permit consideration at the present time, without referral to committee, public hearing, committee report and notice in the calendar.

Rep. Cornelius spoke in favor of the motion and yielded to questions.

Rep. Plourde moved the previous question. Sufficiently seconded. Adopted. Adopted by the necessary two-thirds.

## INTRODUCTION OF HOUSE BILL

First and second reading  
HB 69, establishing a termination schedule for use under the "sunset" act.

Reps. Marshall French, Spirou and Cornelius moved that HB 69, establishing a termination schedule for use under the "sunset" act, be ordered to third reading.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)



YEAS 285 NAYS 24  
YEAS 285

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Kenneth Randall and Rose.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

CRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Alter, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Bosse, Brack, Carswell, Chagnon, Colson, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, LaFleur, Levesque, Lyons, Madigan, Marcoux, Martel, Mazur, McGlynn, McLaughlin, Morgan, Fred Murray, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Podles, Polak, Record, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, Cecilia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mitchell, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Barka, Benton, Blanchette, William Boucher, Carpenito, Collins, Cotton, Cunningham, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Sytek, Tavitian, Webster, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Preston, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 24

BELKNAP: Sanders.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: George Cate, Dearborn, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Joseph Cote, McDonough, Morrison, Arnold Perkins, Henry Richardson and Emma Wheeler.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, Chandler, Eugene Daniell, Gamache and Tarr.

ROCKINGHAM: Norton and Scamman.

STRAFFORD: McManus.

SULLIVAN: D'Amante and George Wiggins, and HB 69 was ordered to third reading.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

Rep. Marshall French moved that HB 6, relative to home rule and HB 59, providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations, be taken from the table.

Motion lost.

#### LATE SESSION

Third reading and final passage  
HB 69, establishing a termination schedule for use under the "sunset" act.

#### RESOLUTIONS

#### ON THE DEATH OF HONORABLE HAROLD E. THOMSON

WHEREAS, we have learned with sorrow of the death of Honorable Harold Thomson, Representative from Weare, and



# HOUSE JOURNAL 15

Wednesday, 12 Aug 78

WHEREAS, Representative Thomson served diligently as a member of the House of Representatives for three terms, and WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend its sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

## UNANIMOUS CONSENT

Rep. Taylor addressed the House under unanimous consent.

Reps. Marshall French and Spiro moved that the House stand in recess for the purpose of enrolling bills onlv.

Adopted.

## RECESS SENATE MESSAGE CONCURRENCE

HB 69, establishing a termination schedule for use under the "sunset" act.

## ENROLLED BILLS AMENDMENT

HB 69, establishing a termination schedule for use under the "sunset" act.

## Amendment

Amend section 1, I (a) of the bill by striking out line 12 and inserting in place thereof the following:

Standards and Training Council (02,23,01 thru 02)

Amend section 1, I (b) of the bill by striking out line 14 and inserting in place thereof the following:

12. Standardbred Breeders and Owners Development Agency (RSA 426-A:1)

Amend section 1, III (a) of the bill by striking out line 9 and inserting in place thereof the following:

Board (02,06,19), Greyhound Racing Commission (02,10)

Amend section 1, iii (a) of the bill by striking out line 19 and inserting in place thereof the following:

'05,03,03), Cancer Commission (05,02), Veterans Council (05,05), N.H. Commission

These amendments correct errors in the names of 2 agencies, and incorrect PAU cities.

Adopted.

## ENROLLED BILL REPORT

HB 69, establishing a termination schedule for use under the "sunset" act.

Rep. James J. White  
For the committee

## RECESS

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Let us pray:

Thank You God, for being the God for every day and all peoples. Thank You for being our God for this new day. There is an ever present hope in the gift of a new day. Thank You Lord. Open our eyes and ears to the possibilities for doing Your will in this hour for decision. Let us not, without serious concern for Your Judgment, brag about our "being consistent" in thought and deed as leaders of our state. Remind us that "consistency" may well be the fruit of a stagnant mind and selfish pride. You have given to each person one tongue and two ears. Could it be that You desire for us, Your serving persons, to hear from others twice as much as we speak? Let us listen and see and feel the pain, loneliness, fear, uncertainty, hunger, anger of our time and approach our labors with the intention of pleasing You and thus serving the people of our great state. Precious Lord take our hand. Lead us on. Help us stand for that which is good, right, honest, true, genuine, sincere - less we fall for anything. In the name of the One who shows us the way - Jesus Christ. Amen!

Rep. Packard led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Maynard and Forsaith Daniels, the day, illness.

Reps. Hess, Cummings, Vlack, Irvin Gordon, Pepitone, Ladd, Joseph MacDonald, Snell, Miller, Albert Bellemore, Whipple, Pappas, Collins and Nelson, the day, important business.

Rep. Joanne Head, the day, illness in the family.

## INTRODUCTION OF GUESTS

Mr. and Mrs. Frank Nolan of Lakeland, Florida and Mrs. Ralph Blake, guests of Rep. Blake; Mrs. Paul Fernald of Portsmouth, guest of Rep. McEachern; Mrs. June Valliere of Salem, guest of Reps. Alfreda Smith and Laycock.

The Speaker asked the members to respond to an attendance call for the record, while noting his appreciation to those members present for their presence without compensation.

246 members were recorded present.

## VETO MESSAGE ON HOUSE BILL 69

I am returning herewith House Bill 69 together with my objections thereto pursuant to Part II, Article 44 of the New Hampshire Constitution.

I do not believe that government is well served by continued confrontation between the Legislature and the Executive. We need a revision of the Sunset Law next year. Any Sunset Committee to evaluate our agencies should be a joint committee of the Legislature and the Executive Branch to review the performances of the agencies, otherwise we are just setting up a perpetual confrontation of the two branches of government.

This bill sets up a schedule of what agencies will be reviewed in which years. I think there is no doubt that the bill has political ramifications. The schedule was politically drawn up.

I serve notice on the Legislature that early in the 1979 session I will work for a proposed revision to the basic Sunset Law.

Although I strongly support the elimination of unnecessary government agencies and programs, and the wasteful spending that accompanies them, I cannot permit this bill to become law. Part of this bill, intentionally or otherwise, is grounded on what I believe to be an erroneous legal theory that the Legislature has the power to abolish programs that were duly established by the Governor and, in the case of the Crime Commission, by my two predecessors as well.

The Legislature does not have the power to infringe upon the internal administration of the Executive Branch of government, and this is well settled by our Supreme Court. In spite of the other values of Sunset Legislation, this precedent would be clearly harmful to our form of government and the necessary independence of these two branches of government.

After careful consultation with legal advisors, I believe that part of this bill is definitely unconstitutional. I cannot in good conscience support a measure which appears to me to be unconstitutional.

I therefore urge the members of the General Court to sustain my veto.

Sincerely,  
Meldrim Thomson, Jr.  
Governor

Rep. Marshall French moved to dispense with the reading of the veto message.  
Adopted.

The Sub-committee on Resolutions and Screening having approved its admittance, Reps. Marshall French and Spirou offered the following:

#### HOUSE RESOLUTION NO. 10

requesting an opinion of the Supreme Court as to the constitutionality of HB 69

WHEREAS, the Governor, gave as his reason for vetoing HB 69, "An Act establishing a termination schedule for use under the 'sunset' act," his reservations about the constitutionality of that bill; and

WHEREAS, the House of Representatives therefore wishes the Court to resolve the question of the constitutionality of HB 69 before taking action on the Governor's veto message; now, therefore, be it

Resolved by the House of Representatives: That the Supreme Court is respectfully requested to give their opinion upon the following questions:

Does the New Hampshire Constitution, Pt. 1, Art. 37, or Pt. 2, Arts. 41 or 56, or any other provision of the State Constitution, preclude the inclusion in HB 69 of the state agencies in budget department 01, 03 (Executive Office) contained in that bill?

Does the New Hampshire Constitution, Pt. 2, Art. 37, Pt. 1, Arts. 41 or 56, or any other provision of the State Constitution, preclude the inclusion in HB 69 of the state agencies created by Executive Order contained in that bill?

Does the New Hampshire Constitution, Pt. 1, Art. 37, or Pt. 2, Arts. 41 or 56, or any other provision of the State Constitution, preclude the inclusion in HB 69 of any other state agencies contained in that bill?

That the Clerk of the House be directed to forward ten copies of this resolution and of House Bill 69 to the Clerk of the Supreme Court.

Reps. Spirou, Marshall French, Cornelius and Plourde spoke in favor of the resolution.  
Adopted unanimously.

#### RECESS

Rep. Marshall French moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 16

*Wednesday, 4 Oct 78*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Let us Pray:

Good afternoon God. Good to be alive. Thank You for the gift of life. Guide us with the presence of Your Sweet, Sweet Spirit that we shall be unwilling to be pushed by the past, but pulled forward by the future. Someone has said, "Never stumble over something behind you." Sounds like You God. You know, "Forgetting those things which are behind, and reaching forth unto those things which are before, I press toward the mark for the prize of the high calling" - Your high calling to be the kind of persons You want us to be in this hour for decision making. Master, Savior, God, give us the grace and power to be the kind of men and women You want and need for this place and time, sufficient for the tasks set before us. So help us God! Amen!

Rep. Cummings led the Pledge of Allegiance

## LEAVES OF ABSENCE

Reps. Mitchell, Brody, Maynard, Whipple and Felch, the day, illness.

Reps. Doris Riley, Nemzoff-Berman, Daniel Healy, Mann, Gemmill, Richards, Kenneth Randall, Albert Bellemore, Watson, Arthur Perkins, Poulin and Terry, the day, important business.

## INTRODUCTION OF GUESTS

Priscilla McCoomb of Exeter, Susan Bonner of Newfields and Sandra Allen of Newmarket, guests of Reps. Cornelius and Blanchette; Christopher Hess, son of Rep. Hess.

Their introduction having been approved by the Rules Committee, Rep. Marshall French offered the following resolution:

In accordance with the list in the possession of the clerk, House Bills numbered 70 and 71 shall be by this resolution read a first and second time, laid on the table for printing and referred to the therein designated committees.

The Assistant Clerk read the resolution. Rep. George Wiggins requested a quorum count.

263 members answering, the Speaker declared a quorum present.

Reps. Spirou and M. Arnold Wight spoke in favor of the resolution.

Rep. Kenneth Smith requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 245 NAYS 46

YEAS 245

BELKNAP: Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Rose, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Galloway, Hogan, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry, and Vrakatitsis.

COOS: Fortier, Horton, George Lemire, Oleson, Theriault, Willey and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Neil McIver, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Belanger, Emile Boisvert, Wilfrid Boisvert, Brack, Carswell, Chagnon, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Clyde Eaton, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Head, Heald, Kaklamanos, Karnis, Keefe, Levesque, Lyons, Madigan, Marcoux, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Polak, Paul Riley, Simard, Edward Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Plourde, Rice, Rich, Shepard, Gerald Smith, Tarr, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cummings, Cunningham, Danforth, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Gibbons, Goff, Greene, Grieco, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Juncas, Joos, Kincaid, Lafavour, Lessard, Maglaras, McManus, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante,



Desnoyer, Frizzell, Ingram, LeBrun, Lewko, Lucas, Palmer, Spaulding, Sara Townsend and Tucker.

#### NAYS 46

BELKNAP: Lawton.

CARROLL: Keller.

CHESHIRE: Fillback.

COOS: Burns, Hunt, Keough and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Myrl Eaton, McAvoy, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Arnold, Coburn, Dupont, Howard Humphrey, Thomas Hynes, Knight, Mazur, Paradis, Podles, Record, Henry Richardson and Emma Wheeler.

MERRIMACK: Ayles, Laurent Boucher, John Cate, James Humphrey, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Erler, Gould, Griffin, Kashulines and Rogers.

STRAFFORD: Tripp.

SULLIVAN: Barrus, Gray, Scott and George Wiggins, and the resolution was adopted.

#### INTRODUCTION OF BILLS

First and second reading

HB 70, requiring public utilities' rates to be based on a current level of services. (Chambers of Grafton Dist. 13; Spiro of Hillsborough Dist. 27; Cornelius of Grafton Dist. 13; Coutermarsh of Hillsborough Dist. 24; Hildreth of Belknap Dist. 6; Krasker of Rockingham Dist. 22; C. Winn of Hillsborough Dist. 19; Aeschliman of Rockingham Dist. 18; Baker of Hillsborough Dist. 14; Blakeney of Merrimack Dist. 17; Blanchette of Rockingham Dist. 14; Bodi of Merrimack Dist. 7; Boisvert of Hillsborough Dist. 31; Boisvert of Hillsborough Dist. 22; Bowler of Belknap Dist. 3; Brack of Hillsborough Dist. 28; Brody of Hillsborough Dist. 24; Burchell of Strafford Dist. 12; Carpenito of Rockingham Dist. 5; Collins of Rockingham Dist. 5; Connors of Rockingham Dist. 21; Copenhaver of Grafton Dist. 13; Corser of Hillsborough Dist. 2; Cote of Hillsborough Dist. 28; Cote of Hillsborough Dist. 19; Cotton of Rockingham Dist. 20; Coughlin of Hillsborough Dist. 27; Crory of Grafton Dist. 13; Crotty of Hillsborough Dist. 30; Daniell of Merrimack Dist. 13; Day of Hillsborough Dist. 26; Dion of Hillsborough Dist. 35; Donnelly of Strafford Dist. 17; Dostilio of Cheshire Dist. 13; Drewniak of Hillsborough Dist. 30; Duhaime of Grafton Dist. 14; Dunfee of Rockingham Dist. 12; Gagnon of Hillsborough Dist. 21; Gelinas of Hillsborough Dist. 31; Gibbons of Rockingham Dist. 4; Grassie of Strafford Dist. 12; Gray of Sullivan Dist. 3; Haynes of Coos Dist. 1; Hebert of Strafford Dist. 9; D. Herchek of Strafford Dist. 16; J. Herchek of Strafford Dist. 16; Hoar of Rockingham Dist. 8; Horrigan of Strafford Dist. 4; Joos of

Strafford Dist. 1; Kaklamanos of Hillsborough Dist. 21; Kincaid of Strafford Dist. 18; LaBranche of Merrimack Dist. 12; Laycock of Rockingham Dist. 5; LeBrun of Sullivan Dist. 3; A. Lemire of Hillsborough Dist. 35; Lemire of Coos Dist. 8; R. Lemire of Hillsborough Dist. 35; Lynch of Cheshire Dist. 12; MacDonald of Rockingham Dist. 20; Madigan of Hillsborough Dist. 24; Maynard of Rockingham Dist. 18; McEachern of Rockingham Dist. 23; McGlynn of Hillsborough Dist. 21; Morrisette of Strafford Dist. 7; Mullin of Merrimack Dist. 10; Nadeau of Strafford Dist. 10; Nemzoff-Berman of Hillsborough Dist. 18; Niebling of Rockingham Dist. 13; Oleson of Coos Dist. 5; O'Neil of Hillsborough Dist. 32; Orcutt of Hillsborough Dist. 8; Pappas of Hillsborough Dist. 18; Pardy of Merrimack Dist. 20; Parolise of Rockingham Dist. 5; Parr of Rockingham Dist. 12; Pelton of Merrimack Dist. 3; Plomaritis of Hillsborough Dist. 15; Polak of Hillsborough Dist. 14; Poulin of Coos Dist. 9; Proctor of Cheshire Dist. 14; Pucci of Rockingham Dist. 5; Ralph of Merrimack Dist. 13; Ramsey of Strafford Dist. 13; Rice of Merrimack Dist. 20; Rose of Belknap Dist. 1; Russell of Cheshire Dist. 13; Sabbow of Belknap Dist. 6; St. George of Hillsborough Dist. 23; Schreiber of Strafford Dist. 4; Simard of Hillsborough Dist. 29; Smith of Rockingham Dist. 5; Smith of Hillsborough Dist. 34; Smith of Hillsborough Dist. 14; Soucy of Hillsborough Dist. 32; Splaine of Rockingham Dist. 19; Stomberg of Grafton Dist. 8; Sullivan of Hillsborough Dist. 30; Taffe of Grafton Dist. 5; Terry of Cheshire Dist. 16; Theriault of Coos Dist. 9; Valliere of Coos Dist. 6; Vrakatitsis of Cheshire Dist. 12; Wallace of Hillsborough Dist. 22; Wallin of Hillsborough Dist. 16; White of Hillsborough Dist. 27; White of Strafford Dist. 8; J. Winn of Hillsborough Dist. 19; Wojnowski of Rockingham Dist. 14; Woodward of Coos Dist. 2; Zabarsky of Rockingham Dist. 22)

HB 71, relative to certain exemptions from the "sunset" act. (Roberts of Belknap Dist. 4; French of Belknap Dist. 1; Lyons of Hillsborough Dist. 13; Cornelius of Grafton Dist. 13)

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules of the House be so far suspended as to permit consideration at the present time without referral to committee, public hearing, committee report and notice in the calendar of House Bill 70, requiring public utilities' rates to be based on a current level of services, and HB 71, relative to certain exemptions from the "sunset" act.

Under Rule 25, Rep. Lyons requested that the question be divided.

The Speaker explained Rule 25, and ruled the questions divisible.

Question one being that the Rules of the House be so far suspended so as to permit consideration at the present time without referral to committee, public hearing, committee report and notice in the Calendar of House Bill 70, requiring public utilities' rates to be based on a current level of services.



Reps. M. Arnold Wight, Quimby and Griffin spoke against the motion.

Rep. Chambers spoke in favor of the motion.

Rep. Eugene Daniell spoke in favor of the motion and yielded to questions.

(Rep. Marshall French in the chair)

A quorum count was requested.

268 members answering, the Speaker declared a quorum present.

Rep. Spirou spoke in favor of the motion and yielded to questions.

Rep. Snell spoke against the motion.

Reps. Parr, Ward, Rounds and Coutermarsh spoke in favor of the motion.

Rep. Dickinson spoke against the motion and yielded to questions.

(Speaker in the chair)

Rep. Plourde spoke in favor of the motion.

Rep. Cornelius spoke in favor of the motion and yielded to questions.

Rep. Richard Hanson requested a quorum count.

262 members answering, the Speaker declared a quorum present.

Rep. Lawton spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 185 NAYS 128  
YEAS 185

BELKNAP: Bowler, Gary Dionne, Marshall French, Goyette, Hildreth, Mansfield, Morin, Nighswander, Rose and Sabow.

CARROLL: Roderick Allen, Claflin, Raymond Conley and Found.

CHESHIRE: Callahan, Dostilio, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Terry and Vrakatitsis.

COOS: Keough, George Lemire, Oleson, Theriault and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, Neil McIver, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Carswell, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Head, Kaklamanos, Roland Lemire, Lyons, Madigan, Marcoux, McGlynn, Morrison, Nardi, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Polak, Edward Smith, Soucy, Spirou, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Eugene Daniell, Gamache, Hess, LaBranche, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Plourde, Rice, Rich, Gerald Smith, Tracy and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Blake, Blanchette, William Boucher, Carpenito, Collins, Connors, Cotton, Dunfey, Beverly Gage, Carl Gage, Gibbons, Grieco, Hartford, Hoar, Jones, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Parolise, Parr, Pucci, Anthony Randall, Rogers, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kincaid, Lessard, Maglaras, McManus, Morrisette, Nadeau, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, LeBrun, Lucas and Tucker.

NAYS 128

BELKNAP: Michael Hanson, Lawton, James Murray and Sanders.

CARROLL: Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Calloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Moore and Scranton.

COOS: Burns, Fortier, Horton, Hunt, Mabel Richardson and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Arnold, Bednar, Belanger, Chagnon, Coburn, Dupont, Clyde Eaton, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Levesque, Martineau, Mazur, McLaughlin, Morgan, Fred Murray, Paradis, Arnold Perkins, Podles, Record, Henry Richardson, Paul Riley, Simard, Stylianos, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Shepard, Stockman, Tarr, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Barka, Benton, Bisbee, Campbell, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Flanagan, Coff, Gould, Greene, Griffin, Kashulines, King, Nelson, Quimby, Sanborn, Scamman, Sytek, Vlack, Webster and Helen Wilson.

STRAFFORD: Canney, Joncas, Lefavour, Meader, Osgood, Preston, Torrey and Tripp.

SULLIVAN: Barrus, Frizzell, Gray, Lewko, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins, and the motion lost lacking the necessary two-thirds.

Rep. Appleby abstained from voting under Rule 16.

Rep. Brody wished to be recorded in favor of suspension of the rules.

Question two being that the rules be so far suspended as to permit consideration at the present time without referral to committee, public hearing, committee report and notice in the Calendar of House Bill 71, relative to certain exemptions from the "sunset" act.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 258 NAYS 51  
YEAS 258

BELKNAP: Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Rose and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Foud, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Galloway, Irvin Gordon, Hogan, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatitsis.

COOS: Fortier, Horton, Hunt, Keough, George Lemire, Oleson, Theriault, Willey and Wiswell.

GRAFTON: Ira Allen, Buckman, Chambers, Cornelius, Crory, Dearborn, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Carswell, Chagnon, Colson, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Roland Lemire, Levesque, Lyons, Madigan, Marcoux, Mazur, McGlynn, Morgan, Morrison, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Podles, Polak, Paul Riley, Simard, Edward Smith, Spirou, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBranche, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Plourde, Rice, Rich, Shepard, Gerald Smith, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Danforth, Robert Day, Dunfee, Flanagan, Beverly Gage, Carl Gage, Gibbons, Goff, Gould, Greene, Grieco, Hartford, Hoar, Jones, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Sytek, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Tripp, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, LeBrun, Lucas, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 51

BELKNAP: Bowler, Gary Dionne, Lawton, Nighswander and Sanders.

CARROLL: None.

CHESHIRE: Elmer Johnson, Krause and Moore.

COOS: Burns and Mabel Richardson.

GRAFTON: Aldrich, George Cate, Myrl Eaton, Snell and Madeline Townsend.

HILLSBOROUGH: Joseph Cote, Coughlin, Dupont, Clyde Eaton, Karnis, Martineau, McLaughlin, Paradis, Arnold Perkins, Record, Henry Richardson, Soucy, Stylianos and Emma Wheeler.

MERRIMACK: Ayles, Laurent Boucher, John Cate, Chandler, Stockman, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Davis, Erler, Griffin, King and Scamman.

STRAFFORD: Canney, McManus, Dennis Ramsey and Torrey.

SULLIVAN: Barrus, Frizzell, Gray, Scott and George Wiggins, and the motion was adopted.

Rep. Torrey wished to be recorded in favor of suspension.

HB 71, relative to certain exemptions from the "sunset" act.

The clerk read the bill in full.

Rep. Chambers moved the HB 71 be reported, Ought to Pass.

Rep. Spirou offered an amendment.

The Clerk read the amendment.

The Speaker ruled that the amendment was non-germane under Rule 41 and 41A.

Rep. Spirou challenged the ruling of the chair.

Question then being shall the decision of the Speaker stand as the judgment of the House.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Michael Hanson requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 220 NAYS 86  
YEAS 220

BELKNAP: Bowler, Gary Dionne, Marshall French, Michael Hanson, Lawton, Mansfield, Morin, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Scranton and Vrakatitsis.

COOS: Burns, Fortier, Horton, Hunt, Keough, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Cornelius, Dearborn, Myrl Eaton, Hough, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Arnold, Baker, Bednar, Belanger, Emile Boisvert, Bosse, Brack, Carswell, Chagnon, Coburn, Colson, Corser, Coughlin, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Head, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Roland Lemire, Levesque, Lyons, Marcoux, Martineau, Mazur, McLaughlin, Morgan, Morrison, Fred Murray, Paradis, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Paul Riley, Stylianos, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Rice, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Gibbons, Goff, Gould, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Nelson, Niebling, Parr, Quimby, Anthony Randall, Sanborn, Scamman, Schwaner, Skinner, Sytek, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Joncas, Joos, Kincaid, Lefavour, Lessard, McManus, Meader, Nadeau, Osgood, Preston, Sackett, Donald

Smith, Torrey, Tripp, Valley and Allen Wilson.

SULLIVAN: Barrus, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 86

BELKNAP: Goyette, Hildreth and Rose.

CARROLL: None.

CHESHIRE: Dostilio, Proctor, Margaret Ramsay, Russell and Terry.

COOS: George Lemire, Oleson and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Neil McIver, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Wilfrid Boisvert, Mark Connolly, Joseph Cote, Margaret Cote, Coutermarsh, Crotty, Catherine-Ann Day, Drewniak, Flynn, Gabrielle Gagnon, Gelinas, Girolimon, Kaklamanos, McGlynn, Normand, O'Neil, Orcutt, Pappas, Plomaritis, Simard, Edward Smith, Soucy, Spirou, Francis Sullivan, Wallin, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, LaBranche, Pardy, Pelton and Plourde.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Dunfey, Carl Gage, Grieco, Krasker, Laycock, Donna McEachern, Joseph McEachern, Parolise, Rogers, Rossley, Alfreda Smith, Splaine and Zabarsky.

STRAFFORD: Burchell, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Maglaras, Morrisette, Dennis Ramsey, Ruel and Schreiber.

SULLIVAN: Brodeur and Burrows, and the ruling was sustained.

Question being on the Chambers motion of Ought to Pass.

Adopted.

Rep. Marshall French moved the HB 71 be ordered to third reading.

Adopted.

Ordered to third reading.

#### SUPREME COURT OPINION

To the Honorable House of Representatives:

The undersigned, justices of the supreme court, return the following reply to the questions presented in your resolution adopted August 23, 1978, and filed in this court on the same date.

House Bill 69 would establish "a termination schedule of State agencies and programs" to be utilized in the implementation of RSA 17-G, the New Hampshire Sunset Act.

Under New Hampshire's Sunset Act, the legislature is required to review systematically certain State agencies and programs over a six-year cycle. A bill extending the life of each agency or program for an additional six years would be taken



up during the regular legislative session in the year the agency or program is scheduled to terminate in accordance with a time-schedule set forth in RSA 17-G. Following its evaluation and review, the legislature would determine whether the agency or program should be renewed.

In responding to your questions, we are initially guided by the doctrine and principle set forth in *Musgrove v. Parker*, 84 N.H. 550, 153 A.2d 320 (1931), and relied upon by Justices Johnston and Kenison in their opinion in the Opinion of the Justices, 96 N.H. 517, 524, 83 A.2d 738, 742 (1950).

It has always been the practice in this jurisdiction to follow the universally accepted doctrine that the constitutionality of an act passed by the coordinate branch of the government is to be presumed. It will not be declared to be invalid except upon unescapable grounds; and the operation under it of another department of the state government will not be interfered with until the matter has received full and deliberate consideration. *Musgrove v. Parker*, supra, 84 N.H. at 551, 153 A.2d at 321.

This principle applies with no less vigor to actions of the other coordinate branches of government, the executive and the judiciary. In New Hampshire, its constitutional touchstone is part I, article 37, which provides:

In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

We have stated the "the separation of powers between the legislative, executive and judicial branches of the government is an important part of its constitutional fabric." Opinion of the Justices, 102 N.H. 195, 196, 152 A.2d 878, 879 (1959). The principal purpose of this article is to protect each of the three branches from encroachment by the other. Opinion of the Justices, id. As applied to the executive its primary purpose is to protect it from legislative encroachment.

It is well established in our opinions that the three coordinate branches of government cannot be completely separate, and in the nature of things there must be some overlapping of power. In the link which binds the coordinate branches, a measure of overlapping of authority and function occurs and indeed is essential. There exists what has been described as "a region of authority, alternative and concurrent, the boundaries of which are fixed by no final rule." Opinion of the Justices, 87 N.H. 492, 493, 179 A.2d 344, 345 (1935). Just as it was recognized in the Opinion of the Justices, 85 N.H. 562, 567, 154 A.2d 217, 223 (1931), that "(c)ourts may have some administrative

powers and executive agencies may have some judicial powers," it may also be said that the policy-making legislature possesses some administrative power and that the administrative Governor may possess some subordinate legislative power, all within circumscribed limits.

It is conceded by the Governor that agencies within the executive branch which have been created by general or special statute and which are contained in the operating budget are properly within the scope of the sunset process to the extent that neither the existence nor the funding of such agencies is deemed essential to fulfillment of the Governor's constitutional duties. We agree.

We need not concern ourselves with only five State agencies created by Executive order. Four of them are in the operating budget and all receive federal funds: The Council on Energy (Exec. Order No. 73-12 (1973)), the New Hampshire Office of Employment and Training (formerly the Office of Manpower Affairs) (Exec. Order No. 73-24 (1973)), the State Disaster Office (Exec. Order No. 4 (1969) and Exec. No. 73-2 (1973)), and the Governor's Commission on Crime and Delinquency (Exec. Order (1968)). The one not in the operating budget but also federally funded is the Coordinator of Drug Abuse (Exec. Order 73-5 (1973)).

With the foregoing in mind, we now consider the conflicting claims of the Governor and the House of Representatives in this matter.

With regard to these five agencies, the Executive claims that their creation by Executive order, relying upon constitutional grounds, N.H. CONST. pt II, art. 41, and their continued operation was and is a constitutional exercise of executive authority because they are internal units essential to the Governor in performing his duty faithfully to execute both State and federal laws.

The House of Representatives asserts that four of these five agencies are in the operating budget and that all five Executive order agencies perform functions virtually indistinguishable from those performed by other State agencies which have been created by statute, and that none perform functions that are constitutionally entrusted to the Governor. Accordingly, it claims that regardless of how these five agencies were created and of the fact that they operate within the Executive branch, the legislature has the power to terminate these agencies under the Sunset Act.

Historically, courts have attempted to analyze the appropriateness of the exercise of constitutional power in terms of the nature of the function being performed--judicial, legislative, or executive. The accuracy and definitiveness of such an analysis necessarily depends upon the ease with which the particular governmental function may be identified. This analysis is more difficult when one governmental function overlaps with another.

We have held that an agency created by Governor's Executive Order (Office of Manpower Affairs) which receives federal funds is a State agency within the terms of RSA 98:2 (e), *Jeannot v. N.H. Personnel*



Comm'n, 116 N.H. 376, 359 A.2d 638 (1976), and we have recognized the lawful existence of that same agency even though it was created by Executive order (Exec. Order No. 73-24 (1973)) of the Governor acting alone pursuant to New Hampshire Constitution part II, article 41. See *McIntosh v. Personnel Comm'n*, 117 N.H. 334, 374 A.2d 436 (1977). It is clear then that the five agencies in question are "state agencies" within the meaning of the "Sunset Act."

The question which remains, however, is whether on the sparse record before us these agencies are by the terms of the Sunset Act itself see RSA 17-G:4, either constitutionally or statutorily exempt from its application. RSA 17-G:4 provides in relevant part:

Exemptions. The provisions of this chapter shall not apply to the following state agencies and programs:

I. Office or agencies required by provisions of the New Hampshire Constitution....

By this exemption, the legislature rightly recognized the limits of its constitutional authority.

One of the offices or agencies required by the constitution is the office of Governor. N.H. CONST., pt. II art. 41. "The executive power of the State is vested in the governor." *Id.* We have recognized the authority of the Governor to issue Executive orders creating agencies for the purpose of receiving federal funds and implementing federal grants-in-aid programs. *Jeannot v. N.H. Personnel Comm'n* supra, and *McIntosh v. Personnel Comm'n* supra. See also Note, *Gubernatorial Executive Orders as Devices for Administrative Direction and Control*, 50 Iowa L. Rev. 78 (1964). Of course, should the exercise of that power exceed the Governor's constitutional authority or conflict with appropriate legislative mandates, such acts would be void. *O'Neil v. Thomson*, 114 N.H. 155, 316 A.2d 168 (1974).

The answers to the questions now before the undersigned involve "interpretation of our State constitution and of statutes relative to the executive and legislative branches of our government." This is a "traditional function" required of us under New Hampshire Constitution part II, article 74. *O'Neil v. Thomson*, supra at 159, 316 A.2d at 170.

A review of the Executive orders before us reveals that the Governor purports to exercise his executive power to administer, coordinate, plan, direct, and provide an effective mechanism for fulfillment of his constitutional functions and duties. "The executive department is the active agency to carry laws into effect and enforce them." *Opinion of the Justices*, 110 N.H. 359, 365, 266 A.2d 823 (1970) (Grimes, J.), quoting from *Opinion of the Justices*, 85 N.H. 562, 154 A.2d 217, 223 (1931).

We have previously advised that:

The statements in the Constitution that the legislature has "the supreme legislative power" (pt. II, art. 2), that the "executive power" is in the Governor (pt. II, art. 41) and the "judicial power" shall vest in the courts do not provide easy-to-find compartments for all governmental operations. The three branches of government "cannot be completely separated" and "(i)n the nature of things there must be some overlapping.

*Opinion of the Justices*, 85 N.H. 562, 567, 154 A.2d 217, 223 (1931); *Opinion of the Justices*, 102 N.H. 195, 196, 152 A.2d 878, 879 (1959). Indeed part II of the constitution sets forth a significant, albeit limited blending of those powers. Articles 5, 17, 33, 38, 40, 43, 44, 45, 49, 50, 52, 63, 67, 93, 94, 95:5 N.H.B.J. 208, 209 (1963). Thus part I, article 37 "has continued to receive a practical construction." *Opinion of the Justices*, 102 N.H. 195, 197, 152 A.2d 878, 880, and has been acknowledged to contemplate "come overlapping and duality as a matter of practical and essential expediency." *Opinion of the Justices*, 110 N.H. 359, 363, 266 A.2d 823, 825-26 (1970).

Questions relating to the allocation of constitutional powers cannot always be resolved exclusively by an analysis of separate governmental functions, nor by reference to a definite constitutional text. At the federal level, Justice Jackson articulated a proposal for determining the jurisdiction of the respective branches of government in the *Steel Seizure Case*, *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 634 (1952) (Jackson, J. concurring).

(H)is analysis posited a theory of fluctuating presidential and congressional power over national policy-making. According to the theory, both branches possess a zone of constitutionally exclusive powers in which each may act even against the express contrary will of the coordinate branch. In between these two exclusive areas, however, a "zone of twilight" prevails in which the power distribution is uncertain. In this twilight zone, either branch can act absent the initiative of the other. Accordingly, with respect to the operative presumptions, greater deference would be accorded a Presidential action taken pursuant to an express or implied authorization of Congress than an action incompatible with the express will...of Congress. *Frohnmayr, The Separation of Powers*, 52 Oregon L. Rev. 211, 219 (1973).

As this court said in *O'Neil v. Thomson*, supra at 164, 316 A.2d at 173, the Executive orders in that case contravened "the legislative intent expressed...for the hiring of new personnel and the purchase of automobiles." Similarly, in the *Opinion of the Justices*, 118 N.H. , 381 A.2d 1204 (1978), section 62 of chapter 600 of the Laws of 1977, returning the health planning

and development agency to the previously legislatively created department of health and welfare, Laws of 1961, Chapter 222, was held to supersede an Executive order with which it conflicted. In the case at hand there does not exist the kind of legislative activity that required us to void the Executive orders at issue in O'Neil v.

Thomson supra and Opinion of the Justices, 118 N.H. supra.

We must presume the Governor was within the exercise of his constitutional powers in issuing and operating under these Executive orders, and on the record before us, we cannot conclude inescapably that the Governor has exceeded his constitutional authority so as to place these agencies outside the exemption of RSA 17-G:4. See *Misgrove v. Parker* supra.

Accordingly, we advise that should House bill 69 become law, the five agencies created by Executive order would not, at this time, be subject to the termination schedule set forth in the bill.

This is not to say that the legislature is without effective controls on the executive. As was advised by Justices Kenison and Johnston in Opinion of the Justices, 96 N.H. 517, 529, 83 A.2d 738, 746 (1950). "the Legislature has a practical check upon the...executive in the matter of the appropriations for running the state departments that are made on a year to year basis. In appropriating or not appropriating money for a department or its subdivisions or for the carrying out of particular services, the Legislature has a fundamental control" which must always be subject to a recognition of what funds and agencies are reasonably necessary for the exercise of powers inherent to the proper functioning of the three branches of government if they are to fulfill their constitutional duties.

Subject to the standards and limitations set forth in this opinion, we answer your questions as follows:

The answer to question No. 1 is "No,"

The answer to question No. 2 is "Yes,"

The answer to question No. 3 is "No."

Edward J. Lampron

William A. Grimes

Maurice P. Bois

Charles G. Douglas, III

David A. Brock

Justices

Rep. Marshall French moved to dispense with the reading of the Supreme Court Opinion.

Adopted.

Question being, notwithstanding the Governor's veto, shall HB 69 pass.

(Rep. Marshall French in the chair)

Rep. Roberts spoke in favor of the motion and yielded to questions.

Rep. Plourde spoke in favor of the motion.

(Speaker in the chair)

Rep. Marshall French spoke in favor of the motion.

Rep. Cornelius spoke to the motion.

(Speaker Presiding)

YEAS 292 NAYS 23

YEAS 292

BELKNAP: Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Rose, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Fillback, Galloway, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matsos, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatisis.

COOS: Burns, Fortier, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Willey and Wiswell.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhagen, Cornelius, Crory, Dearborn, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Carswell, Chagnon, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Roland Lemire, Levesque, Lyons, Madigan, Marcoux, Mazur, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Simard, Edward Smith, Soucy, Spirow, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Plourde, Rice, Rich, Shepard, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Gibbons, Goff, Gould, Greene, Grieco, Hartford, Hoar, Jones, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Quimby,

Anthony Randall, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Sytek, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kincaid, Lefavour, Lessard, Maglaras, McManus, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 23

BELKNAP: Lawton.

CARROLL: None.

CHESHIRE: Elmer Johnson.

COOS: None.

GRAFTON: Aldrich, Buckman, Myrl Eaton, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Coburn, Clyde Eaton, Karnis, Martineau and Paradis.

MERRIMACK: Chandler, James Humphrey, LaBranche, Tarr and Doris Thompson.

ROCKINGHAM: Blake and Griffin.

STRAFFORD: Donnelly and Dennis Ramsey.

SULLIVAN: George Wiggins, and the veto was overridden.

#### RESOLUTIONS

##### ON THE DEATH OF HONORABLE JAMES B. COONEY

WHEREAS, we have learned with sorrow of the death of James B. Cooney, Representative from Berlin, and

WHEREAS, Representative Cooney served diligently as a member of the House of Representatives for two terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

#### RESOLUTIONS

##### ON THE DEATH OF HONORABLE ANNE B. GORDON

WHEREAS, we have learned with sorrow of the death of Anne B. Gordon, Representative from Jaffrey, and

WHEREAS, Representative Gordon served diligently as a member of the House of Representatives for five terms, and

WHEREAS, she served her community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to her family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to her family.

Unanimously adopted by a rising vote of silent prayer.

The Sub-committee on Resolutions and Screening having approved its admittance, the members of the Resources, Recreation and Development Committee, Reps. Roberts, Marshall French and Spiro offered the following:

#### RESOLUTION

##### HONORING RUSSELL G. CLAFLIN

WHEREAS, in the annals of the New Hampshire House of Representatives there are few members whose dedication exceeds that of the Honorable Russell G. Claflin of Wolfeboro as evidenced by his long service during an 11-term tenure of 22 years as Representative of District 4 in Carroll County, and

WHEREAS, his substantial abilities and talents were recognized by each of the six presiding officers with whom he served as witnessed by his being named chairman of three different standing committees, and

WHEREAS, as chairman of the Public Health Committee in 1959, the Transportation Committee in 1961 and 1963, and the Resources, Recreation and Development Committee for seven terms, 1965 through 1977, presiding officers utilized his legislative skills and leadership in securing passage of landmark legislation especially in the fields of environmental concerns, and

WHEREAS, he served --

Speaker W. Douglas Scamman on the Transportation and Claims Committees in the 1957 Session;

Speaker Stewart Lamprey as Chairman of the Public Health Committee in the 1959 Session, Chairman of the Transportation Committee in the 1961 and 1963 Sessions;

Speaker Walter Peterson as Chairman of the Resources, Recreation and Development Committee in the 1965 and 1967 Sessions;

Speaker Marshall Cobleigh as Chairman of the Resources Committee in the 1969 and 1971 Sessions;

Speaker James O'Neil as Chairman of the Resources Committee in the 1973 Session;

Speaker George B. Roberts as Chairman of the Resources Committee in the 1975 and 1977 Sessions, now therefore be it

RESOLVED, by the House of Representatives, in Special Session assembled, that such a record of service cannot go unrecognized by Russ Claflin's colleagues both past and present and that adoption of this resolution will create a permanent testimonial in the records of the General Court setting forth his long and outstanding service to both his constituents and this institution.

The Assistant Clerk read the resolution. Adopted unanimously.



The Sub-committee on Resolutions and Screening having approved its admittance, the members of the Judiciary Committee and Reps. Roberts, Marshall French and Spirou offered the following:

## RESOLUTIONS

## HONORING

MARTHA McD. FRIZZELL

WHEREAS, in the more than two centuries of its existence, the House of Representatives has rarely seen more exemplary records of public service than that of Martha McD. Frizzell of Charlestown in Sullivan County, and

WHEREAS, that during her fourteen terms--1951 through 1977--she served on the Committee on Judiciary for thirteen bienniums becoming recognized as one of the most knowledgeable lay persons in the state on matters within the jurisdiction of that committee, and

WHEREAS, her expertise earned for her appointment as Vice-Chairman and then Chairman of the Committee from six consecutive presiding officers, and

WHEREAS, her ever temperate and calm, but resolute, approach to the legislative process also earned the respect of her fellow representatives from Sullivan County to the extent that on no less than four occasions, she was elected chairman of the County Delegation, now therefore be it

RESOLVED, by the House of Representatives in Special Session assembled for what could be no more fitting purpose than Court Day at the Legislature, October 27, 1978, that today's program is dedicated to Representative Martha McD. Frizzell, retiring chairman of the House Committee on Judiciary, and be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to her in formal recognition of her efforts toward the goal of improving both the civil and justice systems in New Hampshire to the benefit of all citizens.

The Assistant Clerk read the resolution. Adopted unanimously.

Rep. Marshall French moved that all bills on the table (HB's 6 and 59) and SB's 7 and 8 and SJR 2, (as yet not introduced) be found Inexpedient to Legislate. Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and following enrollment and any sessions necessitated by constitutional requirement, the House adjourn sine die.

Adopted.

## LATE SESSION

Third reading and final passage  
HB 71, relative to certain exemptions from the "sunset" act.

## UNANIMOUS CONSENT

Rep. Claflin addressed the House under unanimous consent.

## RECESS

SENATE MESSAGES  
CONCURRENCE

HB 71, relative to certain exemptions from the "sunset" act.

## VETO OVERRIDDEN

HB 69, establishing a termination schedule for use under the "sunset" act.

## ENROLLED BILL REPORT

HB 71, relative to certain exemptions from the "sunset" act.

Sen. Laurier Lamontagne  
For The Committee

Rep. Chambers moved that the House stand in recess.  
Adopted.

## RECESS



## BILLS SENT TO INTERIM STUDY

HB 2, relative to mileage payments to legislators while on other legislative business.

## Fiscal Committee

HB 18, relative to state taxation of electric generating plants.

## House Ways and Means

HB 25, forbidding the taking of oyster spat except by marine biologists of the fish and game department.

## House Fish and Game

HB 40, providing a business profits tax deduction for the federal new jobs tax credit.

## House Ways and Means

HB 50, relative to restructuring the public utilities commission and making an appropriation therefor.

## Senate Executive Departments, Municipal and County Governments

HB 56, excusing a school board from its duty to provide education to residents of military installations.

## House Education

HB 58, transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor.

## House Executive Departments and Administration

HB 65, regulating places where massages are given and their employees.

## Senate Public Institutions.

HB 68, limiting bodily injury liability for maintenance or operation of publicly owned dams.

## Senate Judiciary

## SELECT HOUSE COMMITTEE ON THE STATE MANPOWER PROGRAM

Reps. Patricia M. Skinner, Chairman; Joseph M. Eaton, Vice Chairman; Ernest R. Coutermarsh, Joanne C. Head, Peter C. Hildreth, Kathleen W. Ward and Robert W. Wheeler

SB 19, authorizing the operation of remote control amusement machines in this state.

## Senate Ways and Means

SB 25 (Chapter 42, Laws of 1978), establishing a permanent joint legislative committee on elderly affairs.

3 representatives appointed by the Speaker

2 senators appointed by the President

(Committee to choose chairman, vice chairman and clerk from membership)

SB 28 (Chapter 31, Laws of 1978), relative to product liability actions.  
(Section 31:2 Commission to Study Product Injury Reparations)

Insurance Commissioner (Chairman)

13 other members to be appointed as follows:

2 representing manufacturers or sellers of products, appointed by  
Business and Industry Association of New Hampshire

2 members of the legal profession, appointed by the New Hampshire  
Supreme Court

2 representing insurance industry, appointed by the New Hampshire  
Product Liability Stabilization Committee

2 senators appointed by the President

2 representatives appointed by the Speaker

2 representatives of the general public appointed by the Governor

SB 29, abolishing the real estate commission's duty to publish a directory.

Senate Administrative Affairs

SB 41, relative to the certification of New Hampshire building inspection  
officials.

Senate Executive Departments, Municipal and County Governments

SB 44, relative to the election of public utility commissioners.

Senate Energy and Consumer Affairs

SB 50, relative to the New Hampshire municipal bond bank.

Senate Executive Departments, Municipal and County Governments

SB 53, revising the procedure by which public officers may be removed from  
office.

House Executive Departments and Administration

SB 57, relative to property tax exemptions for the blind.

## Senate Ways and Means

SR 4, establishing a special study committee to conduct a study of insurance laws with special reference to the insurance premium tax.

2 senators and 2 members from insurance industry

CACR 2, relating to budgeting, taxes, and public indebtedness in the state of New Hampshire. Providing that state, county and municipal budgets shall be balanced and contain a one percent surplus. A two-thirds vote of the entire membership of each house be required before any sales or income tax is established. Property taxes shall not be increased by more than five percent without a two-thirds vote of the qualified voters. The public debt of the State of New Hampshire shall not be increased by more than five percent of total public indebtedness without a two-thirds vote of the entire membership of each house. The public debt of any county, municipality or other subordinate governmental unit shall not be increased by more than five percent of total indebtedness without a two-thirds vote of that unit's legislative body.

House Constitutional Revision

RESIGNATIONS, DEATHS, ELECTIONS  
November 14

Resigned

12/21 Hills. 30	William M. Gardner (d)
3/25 Hills. 31	John F. Clancy (d)
3/3 Merr. 20	R. Peter Shapiro (r)
5/15 Hills. 26	James P. Shea (d)
6/16 Rock. 5	Grace L. DeCesare (d)
7/18 Merr. 21	Charles E. Pratt (r)
7/22 Belk. 1	Robert P. Ambrose (r)
10/21 Merr. 12	Arthur H. LaBonte (d)
12/ 2 Straf.18	Roderick O'Connor (dr)
1/1/78 Rock. 4	Robert Stratton (rd)
1/4/78 Ches. 14	Terry L. Wiggin (dr)
1/10/78 Rock. 13	Douglas J. Aller (r)
6/1/78 Hills. 12	Webster E. Bridges (r)
7/12/78 Ches. 15	Thomas C. Slack (rd)
7/12/78 Ches. 15	Elmer H. Close (r)

Deceased

6/14 Hills. 23	John W. Sing (d)
8/11 Hills. 28	John L. Welch (d)
9/6 Hills. 35	Louis P. LaPlante (d)
10/26 Hills. 15	Henry J. Seamans (r)
3/25/78 Coos 1	Harry F. Huggins (rd)
4/12/78 Hils. 33	Timothy K. O'Connor (d)
4/19/78 Hils. 32	George T. Healy (d)
7/2/78 Hils. 7	Harold E. Thomson (r)
8/22/78 Ches. 8	Anne B. Gordon (r)
9/17/78 Coos 8	James B. Cooney (d)
11/ /78 Rock. 18	Ralph Maynard (d)

DistrictTook Oath

Hills. 31	Albert A. Martel (d)	5/27/77
Hills. 30	Francis Sullivan (d)	2/9/77
Merr. 20	Nancy Pardy (d)	5/12/77
Hills. 26	John Mazur (r)	5/12/77
Hills. 23	Yvette L. Chagnon (r)	9/16/77
Merr. 21	Eleanor Mitchell (r)	9/16/77
Belk. 1	Kenneth R. Rose Jr.(d)	10/20/77
Rock. 5	Donna P. Sytek (r)	10/3/77
Merr. 12	Rudolph G. LaBranche(d)	11/30/77
Hills. 35	Roland R.Lemire (d)	12/16/77
Straf. 18	Anthony A. McManus (r)	3/10/78
Rock. 4	Paul A. Gibbons (d)	3/24/78
Rock. 13	Daniel W. Jones (r)	3/24/78
Hills. 15	Peter Flynn (d)	3/24/78

## 400 State Representatives

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Currently elected and qualified: 388

4 resignations - 8 deaths



## 1978 SPECIAL SESSION

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# HOUSE JOURNAL

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The only roll calls indexed here are those relating to procedural matters.

The numerical index following this index gives page references to all action including roll calls on numbered bills and resolutions.

The following abbreviations are used in this index:

adop	adopted
am	amended
jt	joint
RC	roll call
res	resolution

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# HOUSE JOURNAL

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SCR	Senate Concurrent Resolutions
SR	Senate Resolution
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately preceding this Numerical Index. All matters not relating to bills and resolutions will be found in the Subject Index. Page references to roll calls are found in this index under the respective bill or resolution.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
com	committee
conc	concurred
conf	conference committee
Died	not reported out of committee
enr	enrolled
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
S	Senate
S Ct	Supreme Court
SO	special order
study	referred to interim study committee
vac	referral to committee vacated

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- HB 16 Amending the statute on the program of special education and making an appropriation therefor. (Chambers of Graf. 13 et al)  
30, am & Approp (RC) 63-64, am (RC) 111-112, psd 152, S conc 175, enr am 185, enr 190 (Chapter 30)
- HB 17 Re the payment or delivery of property under the abandoned property statute (RSA 471-A). (Boucher of Rock. 3, Krasker of Rock. 22)  
30, SO 99, psd 144, 153, S conc, enr 175 (Chapter 6)
- HB 18 Re state taxation of electric generating plants. (Quimby of Rock. 4 et al)  
31, S Ct opin req (HR 1) 36-37, opin printed, study 170-171, 237
- HB 19 Repealing the law re reducing unemployment compensation benefits in an amount equal to a person's retired pay. (Spirou of Hil. 27 et al)  
New title: Conditionally repealing the law re reducing unemployment compensation benefits in an amount equal to a person's retired pay.  
31, am (RC) 78-79, psd, additional sponsors 97, conc S am 176, enr 184, veto overridden (RC) 204-205 (Chapter 50)
- HB 20 Concerning the responsibility and the means for financing education for handicapped children. (Daniell of Mer. 13, Head of Hil. 10)  
31, K 64
- HB 21 Reimbursing John A. King for legal expenses in regard to the Board of Probation v. John A. King. (Spirou of Hil. 27, White of Hil. 27)  
New title: Re reimbursing John A. King for certain legal expenses and re salaries of unclassified state employees.  
31, am 63, psd 68, conc S am, enr 217, veto overridden (RC) 219-221 (Chapter 55)
- HB 22 Making appropriations for capital improvements. (LaMott of Graf. 6 et al)  
New title: Making appropriations for capital improvements and making certain other bugetary amendments.  
31, am & Approp 41-63, am 112-135, psd 153, nonconc S am, conf 175, 182, 183, rep adop (RC) 187-188, enr 199 (Chapter 49)
- HB 23 Re prorating property tax exemptions during the transition to the optional fiscal year. (Carswell of Hil. 13)  
31, psd 91, 97, S conc, enr 175 (Chapter 7)
- HB 24 Reducing the debt limit of the city of Nashua. (Boisvert of Hil. 21, Gagnon of Hil. 21)  
31, psd 83, 97, S conc, enr 175 (Chapter 8)

- HB 25 Forbidding the taking of oyster spat except by marine biologists of the fish and game department. (Maynard of Rock. 18, Griffin of Rock. 19)  
31, study 77, 237
- HB 26 Re annual equalization of valuations. (Quimby of Rock. 4 et al)  
31, Approp 67, psd 135, 152, nonconc S am, conf 183, rep adop 188, enr am & enr 200 (Chapter 48)
- HB 27 Concerning election laws. (Krasker of Rock. 22, Griffin of Rock. 19)  
31, am & LT 103-104, am 147-148, psd 153, nonconc S am, conf 175, 182, 183, rep adop 188, enr 199 (Chapter 41)
- HB 28 Re making an appropriation for equipment for the youth development center. (Nardi of Hil. 27, Spirou of Hil. 27)  
31, Approp 67, K 135
- HB 29 Re non-conforming boilers and unfired pressure vessels. (Kidder of Mer. 1)  
31, am (RC) 69, psd 96, 97, conc S am 176, enr am 186, enr 190 (Chapter 28)
- HB 30 Prohibiting public officials from committing certain acts. (Spirou of Hil. 27)  
31, K 63
- HB 31 Establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor. (Vrakatitsis of Ches. 12, Hildreth of Bel. 6)  
New title: Making the division of public health services responsible for human virus diagnostic services and making an appropriation therefor.  
31, psd (RC) 135-136, 153, conc S am 176, enr 184 (Chapter 17)
- HB 32 Re certain amendments to facilitate tax exempt bonding for the state retirement system. (Roberts of Bel. 4)  
New title: Re certain amendments to the operating budget, certain supplemental appropriations, the clarification of certain fees and re federal economic development grants.  
31, am 136-140, psd 153, nonconc S am, conf 183, new conf (RC) 190-193, rep adop (RC) 212-213, enr am, enr 217 (Chapter 52)
- HB 33 Imposing a tax on capital gains and making an appropriation to the department of revenue administration. (McManus of Str. 18, McLane of Mer. 16)  
31, rcmt 67, IP (RC) 91-93
- HB 34 Authorizing certain stores to sell table wine. (Tucker of Sul. 4 et al)  
32, am & Approp (RC) 66-67, am (3 RC's) 140-143, psd 152, S conc 154, enr 175 (Chapter 3)
- HB 35 Re providing exemptions from public utility status for certain electrical energy producers and setting rates for sale of power generated by those exempted producers. (Daniell of Mer. 13 et al)  
32, am 146, psd 153, conc S am 176, enr 184 (Chapter 32)
- HB 36 Re legalizing action taken at various town meetings and special town meetings. (MacDonald of Car. 4 et al)  
New title: Legalizing actions taken at certain town meetings and special town meetings and at certain meetings of the Carroll county delegation.  
33, am 84, psd 97, conc S am 176, enr am 186, enr 190 (Chapter 27)



- HB 37 Concerning the power of Magdalen College to grant degrees. (French of Bel. 1)  
First new title: Concerning the power of Magdalen, New England and Lebanon Colleges to grant degrees.  
Second new title: Concerning the power of Magdalen, New England, Lebanon and Daniel Webster Colleges to grant degrees.  
33, am 70, psd 97, conc S am 176, enr 184 (Chapter 18)
- HB 38 Providing for public hearing before transfer or assignment of any railroad franchise. (Hoar of Rock. 8 et al)  
33, psd 89, 97, S conc, enr 175 (Chapter 9)
- HB 39 Re the liability of ski areas in personal injury actions. (Dickinson of Car. 2 et al)  
33, am (RC) 93-96, psd 97, S conc, enr 175 (Chapter 13)
- HB 40 Providing a business profits tax deduction for the federal new jobs tax credit. (French of Bel. 1)  
33, study 108, 237
- HB 41 Concerning the assignment of temporary justices of the supreme court. (Wiviott of Mer. 16)  
33, am 77, psd 97, conc S am 176, enr am 186, enr 190 (Chapter 33)
- HB 42 Providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns. (Murray of Bel. 5 et al)  
33, am 89, psd 97, S conc, enr 175 (Chapter 12)
- HB 43 Establishing a hazardous waste management program. (Greene of Rock. 17, Sanders of Bel. 4)  
33, am 71-73, psd 97, conc S am 176, enr am 185, enr 190, veto sustained (RC) 205-207
- HB 44 Enabling the trustees of the university system to reimburse certain municipalities for services rendered. (McIver of Graf. 11)  
33, am, letter to chancellor 84, psd 97, conc S am 176, enr 184, veto overridden (RC) 207-208 (S sustained)
- HB 45 Re amending the New Hampshire "Sunset" act to facilitate the sale of bonds by certain state agencies. (Roberts of Bel. 4 et al)  
33, am 75, psd 97, S conc, enr 175 (Chapter 15)
- HB 46 Re the improvement of services to the mentally retarded and making an appropriation therefor. (Spaulding of Sul. 4)  
First new title: To improve services to the mentally retarded.  
Second new title: Re improving services to the mentally retarded and making an appropriation therefor.  
33, am & Approp 64-65, am 143, psd 152, nonconc S am, conf 176, 182, 183, rep adop 188, enr 199 (Chapter 45)
- HB 47 To conform the state unemployment compensation law to federal requirements specified in P. L. 94-566 as amended. (Skinner of Rock. 3-A et al)  
34, am 99-103, psd 153, conc S am 176, enr am 186, enr 190, veto overridden (RC) 208-209 (S sustained)

- HB 48 Establishing public guardian offices and re professional guardians. (Carpenito of Rock. 5 et al)  
New title: Establishing public guardian offices.  
34, Approp 88, am 143, psd 152, conc S am 176, enr am 185-186, enr 190 (Chapter 34)
- HB 49 Providing for a New Hampshire wild, scenic and recreational rivers system. (Orcutt of Hil. 8 et al)  
34, am 86-88, psd 97, S conc 175, enr am 185, enr 190, veto sustained (RC) 209-211, recon, veto sustained (2 RC's) 213-214
- HB 50 Re restructuring the public utilities commission and making an appropriation therefor. (Lessard of Str. 20 et al)  
34, am & Approp (RC) 75-77, am 144, psd 153, S study 174, 237
- HB 51 Providing for the defense and indemnification of state officers and employees against certain claims. (Cornelius of Graf. 13 et al)  
34, psd 77-78, 97, nonconc S am, conf 176, 182, 183, rep adop 193, enr 199 (Chapter 43)
- HB 52 Re night hunts for coon dogs. (Thomson of Graf. 7 and Stimmell of Rock. 1)  
34, am 77, psd 97, S conc, enr 175 (Chapter 10)
- HB 53 Enabling towns and cities to adopt ordinances regulating the giving of messages. (Quimby of Rock. 4)  
34, K 89
- HB 54 Re landlord and tenant relations. (Blanchette of Rock. 14)  
34, SO 99, am (RC) 144-145, psd 153, nonconc S am, conf 175, 183, rep adop (RC) 193-194 (K)
- HB 55 Reducing the penalty for operating an overloaded vehicle. (Spirou of Hil. 27 et al)  
34, am (RC) 89-90, psd 97, S conc, enr 175 (Chapter 16)
- HB 56 Excusing a school board from its duty to provide education to residents of military installations. (Aeschliman of Rock. 18 et al)  
34, am (RC) S Ct opin req (HR 6) 70-71, opin printed, study 157-158, 237
- HB 57 Amending RSA 292 by providing for the revival of corporations whose charters have been repealed, revoked and annulled. (Tucker of Sul. 4)  
34, am 98-99, psd 153, conc S am 176, enr am 186, enr 190 (Chapter 21)
- HB 58 Transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor. (Coutermarsh of Hil. 24, Spirou of Hil. 27)  
34, study 77, 237
- HB 59 Providing for mandatory distribution of instructions on safely installing solid fuel appliances and granting cities and towns the authority to inspect such installations. (Chapman of Rock. 15, Sen. Monier of Dist. 9)  
34, LT 69, 147, 148, K 236

- HB 60 Re to emergency diagnostic detention. (Perkins of Mer. 18)  
34, Approp 88, psd 144, 153, nonconc S am, conf 175, 183, rep adop 193, enr am & enr 200 (Chapter 47)
- HB 61 Re fees for certificates of title and inspection stickers. (Murray of Bel. 5)  
34, am 90, psd 97, S nonconc 175, S conc, enr 184, veto overridden (RC) 211-212 (Chapter 51)
- HB 62 Re regulation of investments of domestic life insurance companies. (Chapman of Rock. 15, Wiviott of Mer. 16)  
34, psd 69-70, 97, S conc, enr 175 (Chapter 11)
- HB 63 Exempting certain motor vehicles from motor vehicle registration fees and clarifying eligibility standards for road toll refunds. (Smith of Hil. 14 et al)  
New title: Exempting certain motor vehicles from motor vehicle registration fees, clarifying eligibility standards for road toll refunds and re road toll rebates.  
34, am 90-91, psd, recon & SO 97, am 145-146, psd 153, S conc, enr 175 (Chapter 14)
- HB 64 Forbidding the confinement of children in adult correctional facilities. (Nighswander of Bel. 2 et al)  
34, psd 88, 97, S conc 175 (S LT enr am)
- HB 65 Regulating places where massages are given and their employees. (Grassie of Str. 12 et al)  
34, am (2 RC's) 104-108, psd 153, S study 184, 237
- HB 66 Re Hillsborough county budgetary procedures. (Spirou of Hil. 27 et al)  
35, am 84-85, psd 97, conc S am 176, enr 184 (Chapter 35)
- HB 67 Re salaries of classified state employees. (Spirou of Hil. 27 et al)  
154, am 155, psd 176, S conc 196, enr 217, veto overridden (RC) 221-223 (Chapter 56)
- HB 68 Limiting bodily injury liability for maintenance or operation of publicly owned dams. (Smith of Straf. 3)  
intro & psd 203, 217 S study 237
- HB 69 Establishing a termination schedule for use under the sunset act. (Roberts of Bel. 4)  
intro & psd (RC) 223-224, S conc, enr am, enr 225, vetoed 225-226, S Ct opin req (HR 10) 226, opin printed, veto overridden (RC) 231-235, 236 (Chapter 57)
- HB 70 Requiring public utilities' rates to be based on a current level of services. (Chambers of Graf. 13 et al)  
intro (2 RC's) 227-230 (Died)
- HB 71 Re certain exemptions from the "sunset act" (Roberts of Bel. 4)  
intro (RC) 227-228, psd (2 RC's) 230-231, psd, S conc, enr 236 (Chapter 58)

## HOUSE JOINT RESOLUTIONS

- HJR 1 Making temporary appropriations for the expenses and encumbrances of the state of New Hampshire. (Roberts of Bel. 4 et al)  
intro & adop 10, 11, conc S am (RC), enr 12-13 (Chapter 1)
- HJR 2 Directing and authorizing the state treasurer to make payments in accordance with RSA 31-A (Roberts of Bel. 4 et al)  
intro (RC) & adop 24-25, S nonconc 28

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1 Re House ready to meet with Senate in joint convention.  
(French of Bel. 1)  
intro & adop 33
- HCR 2 Re proposed joint rule changes. (French of Bel. 1, Spirou of Hil. 27)  
intro & adop 37
- HCR 3 Regarding contract negotiations between the state of New Hampshire and the State Employees Association. (Roberts of Bel. 4 et al)  
intro & adop 179 (Died)

## HOUSE RESOLUTIONS

- HR 1 Requesting an opinion of the justices of the Supreme Court on the constitutionality of House Bill No. 18. (Quimby of Rock. 4)  
intro, am & adop 36-37, opin printed 170-171
- HR 2 Memorializing the United States Congress to have the United States Postal Service issue a veterans day stamp for the November 11, 1978 veteran's day. (Granger of Hil. 13)  
intro & adop 36
- HR 3 Re the special committee studying licensing practices.  
(Townsend of Sul. 1)  
intro & adop 36
- HR 4 Re Burchell congratulations on receiving Harry S. Truman award at UNH.  
intro & adop 96
- HR 5 Re Manchester Central High School newspaper.  
intro & adop 79
- HR 6 Requesting a Supreme Court opinion re HB 56.  
intro & adop 71, opin printed 157-158
- HR 7 Re the financing of the public school system in New Hampshire. (Roberts of Bel. 4 et al)  
intro & adop 196-197



- HR 8 Congratulating the Concord Rugby Football Club. (Foley of Mer. 1)  
intro & adop 197
- HR 9 Re the authority of House committees to act in the interim. (French of  
Bel. 1 et al)  
intro, adop (RC) 197-198
- HR 10 Requesting an opinion of the supreme court as to the constitutionality  
of HB 69.  
intro & adop 226

SENATE BILLS

- SB 2 Re the application and expenditure of federal funds and making an  
appropriation therefor.  
153, am 155, psd 176, S nonconc, conf 182 (Died)
- SB 5 Providing for the restructuring of the Hooksett liquor stores and the  
construction of a Hampton liquor store and making an appropriation therefor.  
154, K (RC) 160-161, recon rej 180
- SB 6 Establishing a legislative committee to study the feasibility of the  
state purchasing large farms on the open market and leasing same to  
individuals desirous of farming.  
study
- SB 7 Making a supplemental appropriation for the New Hampshire state prison.  
K 236
- SB 8 Re the 1977 distribution of the rooms and meals tax.  
K 236
- SB 9 Amending the state industrial development act.  
153, 163-164, K (RC) 172-173
- SB 10 Authorizing license and permit for certain restaurants in Barrington.  
New title: Authorizing a liquor license and beverage permit for the Nippo  
Golf and Country Club in Barrington.  
153, am (2 RC's) 161-163, psd 176, recon & K (RC) 179-180
- SB 11 Making a supplemental appropriation to the cancer commission.  
153, am 155-156, psd 176, S conc 182, enr 184 (Chapter 20)
- SB 13 Re the operating budget for fiscal years 1978 and 1979.  
153, psd (RC) 156-157, 176, enr 184 (Chapter 22)
- SB 14 Re the possession of a gambling machine classified as an antique.  
153, am 174, psd 177, S conc 182, enr 184 (Chapter 23)
- SB 18 Increasing the funds provided for land acquisition in the Monadnock-Gap  
Mountain area.  
153, psd 164, 177, enr 184 (Chapter 24)
- SB 19 Authorizing the operation of remote control amusement machines in this  
state.  
study 237-238

- SB 20 Re fill and dredge in wetlands.  
153, study 164, vac & psd (2 RC's) 214-216, psd & enr 217 (Chapter 53)
- SB 23 Re the plumber licensing law.  
153, K 172
- SB 24 Authorizing the town of Carroll to raise more than normal overlay and legalizing the town meeting in Epping.  
New title: Authorizing the towns of Bethlehem and Carroll to raise more than 5 percent overlay.  
153, am 159-160, psd 177, S conc 182, enr 184 (Chapter 25)
- SB 25 Establishing a permanent joint legislative committee on elderly affairs.  
153, am 158, psd 176, S nonconc, conf 182, rep adop 187, 188, enr 199, com appointed 238 (Chapter 42)
- SB 26 To correct errors and omissions from the 1977 session.  
153, am 164-169, psd 177, recon rej 181, S nonconc, conf 182, rep adop (RC) 194-196, enr am & enr 200 (Chapter 40)
- SB 28 Re product liability actions.  
154, am 174, psd 177, recon rej (RC) 180-181, S conc 182, enr 184, com appointed 238 (Chapter 31)
- SB 29 Abolishing the real estate commission's duty to publish a directory.  
study 238
- SB 30 Re the revocation or suspension of non-resident operating privileges.  
New title: Re the revocation or suspension of non-resident operating privileges and re the return of a motor vehicle operator's license.  
153, am 169-170, psd 177, S nonconc, conf 182, rep adop 187, 188, enr 199 (Chapter 39)
- SB 31 Re exempting certain vehicles from the motor vehicle certificate of title law.  
153, K 170
- SB 33 Re school committee elections in the city of Manchester.  
153, psd 157, 176, enr 184 (Chapter 36)
- SB 34 Re granting liquor licenses and beverage permits to convention centers.  
First new title: Re granting liquor licenses and beverage permits to convention centers and re the seating capacity of restaurant cocktail lounges.  
Second new title: Re granting liquor licenses and permits to convention centers.  
153, am 163, psd 177, S nonconc, conf 182, rep adop 187, 188, enr am & enr 200 (Chapter 44)
- SB 35 Re the court's jurisdiction over juvenile delinquents.  
153, am 169, psd 177, S conc 182 enr 184 (Chapter 37)
- SB 36 Re persons with a walking disability.  
153, psd 170, 177, enr am 185, enr 190 (Chapter 26)
- SB 37 Revising the law relative to lobbyists.  
154, psd (RC) 158-159, 176, enr am 185, enr 190 (Vetoed)

- SB 39 Revising RSA 483-A re dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. New title: Revising RSA 483-A re dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, setting forth a filing fee, repealing RSA 431 re swamplands and modifying the composition of the wetlands board. 153, psd 164, 177, enr am 185, enr 190 (Vetoed)
- SB 40 Re penalties for violations of municipal building codes. First new title: Re building inspections. Second new title: Re building and waste disposal system inspections. 153, K 160
- SB 41 Re the certification of New Hampshire building inspection officials. study 238
- SB 42 Re directional signs. 153, K 161
- SB 43 Concerning serving alcoholic beverages in restaurants housed in buildings or structures over 100 years old. 153, K 163
- SB 44 Re the election of public utility commissioners. study 238
- SB 47 Amending staggered legislation requirements for certain motorized and non-motorized vehicles. New title: Amending staggered legislative requirements for certain motorized and non-motorized vehicles; pro-rating transfer fee and staggering inspection dates on commercial vehicles. 153, psd (RC) 171-172, 177, enr 184 (Chapter 38)
- SB 49 Allowing municipalities to lay water and sewer lines under existing railroad tracks without paying the railroads a fee. 153, psd 160, 176, enr am 185, enr 190, veto overridden (RC) 218-219 (Chapter 54)
- SB 50 Re the New Hampshire municipal bond bank. study 238
- SB 52 Re immunity from legal action under the workmen's compensation law. 154, study (RC) 173-174, vac & psd (2 RC's) 188-190, psd & enr 199 (Chapter 46)
- SB 53 Revising the procedure by which public officers may be removed from office. 154, study 158, 238
- SB 57 Re property tax exemptions for the blind. study 238-239

## SENATE JOINT RESOLUTIONS

SJR 1 Making temporary appropriations for the expenses and encumbrances of the state and providing pay increases for certain state and university system employees.  
intro, remarks (RC), adop (RC), enr am, enr 14-22 (Chapter 2)

SJR 2 Adopting an operating budget at known current levels of revenue and instructing the Committee of Conference on HB 1000 to amend HB 1000 to conform to such current levels of revenue.  
K 236

SJR 3 Reimbursing the Prescription Center of Concord, New Hampshire, Inc. for payments due under lease agreements with state agencies and making an appropriation therefor.  
153, psd 157, 176, enr 184 (Chapter 19)

## SENATE CONCURRENT RESOLUTIONS

SCR 1 Proposing a solution to the current stalemate over commencement of the 1978 special session of the general court.  
intro & IP 152

SCR 2 Commemorating the thirtieth anniversary of Israel's independence.  
intro & adop 164

## SENATE RESOLUTION

SR 4 Establishing a special study committee to conduct a study of insurance laws with special reference to the insurance premium tax.  
com appointed 239

CONSTITUTIONAL AMENDMENT  
CONCURRENT RESOLUTION

CACR 2 Re budgeting, taxes, and public indebtedness in the state of New Hampshire. Providing that state, county and municipal budgets shall be balanced and contain a one percent surplus. A two-thirds vote of the entire membership of each house be required before any sales or income tax is established. Property taxes shall not be increased by more than five percent without a two-thirds vote of the qualified voters. The public debt of the State of New Hampshire shall not be increased by more than five percent of total public indebtedness without a two-thirds vote of the entire membership of each house. The public debt of any county, municipality or other subordinate governmental unit shall not be increased by more than five percent of total indebtedness without a two-thirds vote of that unit's legislative body. (Lawton of Bel. 1)  
intro (RC), study 198-199, 239





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